



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.2861 of 2023

Alexpandi

... Petitioner / Accused No.3

Vs

State Rep by
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Crime No. 89 of 2022.)

... Respondent / Complainant

For Petitioner : M/s.Pandiyaraj.S, Advocate.

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

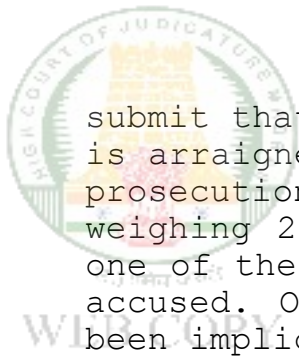
C-32B. For Bail in Crime No. 89 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused No.3, who was arrested and remanded to judicial custody on 30.06.2022 for the alleged offences under Sections 8(c), 20(b)(ii)(C) of NDPS Act, 1985, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 19.04.2022 at about 12.45 p.m., based on the secret information, the respondent Police went to Puthuvalasai bus stand, wherein, the petitioner along with three accused standing there, thereby A.1 and A.3 holding one gunny bag each and after seeing the police, they tried to escape and the respondent Police caught hold A.1 and A.2, but the petitioner and A4 fled away from that place and the respondent Police seized 21 kgs of Ganja. Hence, the case.

<https://www.mhc.tn.gov.in/judges>. The learned counsel appearing for the petitioner would



submit that there are totally four accused, in which, the petitioner is arraigned as the third accused. Even according to the case of the prosecution, A.1 and A.2 were found in possession of contraband weighing 21 kgs of Ganja. He further submitted that the accused is one of the accused in a murder case, in which, A.1 and A.2 are also accused. On the confession statement of the first accused, he has been implicated as an accused.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that call details categorically stated that there was material to connect A.1 and A.2 along with A.3. Therefore, he has been implicated as an accused and he was arrested and remanded to judicial custody on 30.06.2022. Now, the respondent completed the investigation and filed a final report and the same has been taken cognizance in C.C.No.12 of 2023 on the file of the learned Additional District and Sessions Judge, Special Court for E.C Act and N.D.P.S Act cases, Pudukottai.

5. Heard. Perused the materials available on record including the First Information Report.

6. It is seen that except the call details between A.1 and A.2 along with the petitioner/A.3, no other material to show that the petitioner was also involved in the present crime along with A.1 and A.2. Though the petitioner is also an accused in the case of murder along with A.1 and A.2, it does not amount to involvement in the present case. Therefore, the petitioner made out a *prima facie* case in order to satisfy the twin conditions as contemplated under Section 37 of the NPDS Act, this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Special Court for E.C Act and N.D.P.S Act cases, Pudukottai, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

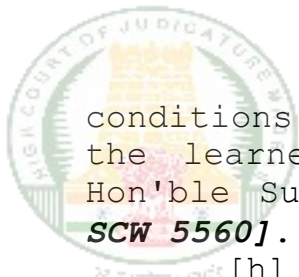
[c] the petitioner shall report before the trial Court daily, on all working days, at 10.30 A.M., and 05.30 p.m., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the



conditions have been imposed and the petitioner released or by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

14/03/2023

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15/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PS

To

1.The Additional District and Sessions Judge,
Special Court for E.C Act and N.D.P.S. Act Cases,
Pudukottai.

2.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

3.The Officer Incharge,
Sub Jail,
Pudukottai, Pudukottai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.2861 of 2023

Date :14/03/2023

ED/SBN/SAR- (15/03/2023) 3P 5C