



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

Date : 14/03/2023

PRESENT

WEB COPY

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

CRL OP(MD) . No.3858 of 2023

Karuppiah

... Petitioner/Accused No.3

Vs

The State represented by
The Inspector of Police,
NIB-CID, Dindigul,
Dindigul District.

... Respondent/Complainant

For Petitioner : M/s.Suresh M,
Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in connection with the C.C.No.54/2005 on the file of the learned I Additional Special Court or Trial of NDPS Act Cases, Madurai.

ORDER : The Court made the following order :-

The petitioner / Accused No.3, who was arrested and remanded to judicial custody on 09.12.2022 for the alleged offences under Sections 8(c) r/w 20(b)(ii)(B) of NDPS in C.C.No.54/2005 on the file of the learned I Additional Special Court or Trial of NDPS Act Cases, Madurai, seeks bail.

2. The case of the prosecution is that on 20.08.2004, while the respondent on his regular patrol, the petitioner and three accused were found in possession of 28 kgs of ganja.

3. The learned counsel appearing for the petitioner would submit that the petitioner was already released on bail by the trial Court on 30.06.2022. However, the petitioner failed to appear before the trial Court on 08.07.2022 and a such, Non-Bailable Warrant has been issued as against the petitioner and on execution of Non-Bailable Warrant, the petitioner was arrested and remanded to judicial custody on 09.12.2022.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that even during the pendency of the trial, the petitioner involved in two previous cases and because of the petitioner, the trial has been stalled from the year 2005 and the accused used to absent before the trial Court one after another.

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

6. It is also seen that the petitioner was in possession of contra band weighing 5 kgs of ganja and it is not a commercial quantity and therefore, he was originally granted bail.

7. Considering the facts and circumstances of the case and also considering the period of incarceration by the petitioner from 09.12.2022, 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 sureties each for a like sum to the satisfaction of the learned I Additional Special Court of Trial of NDPS Act 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 on bail 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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/03/2023

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



TO

1 THE JUDGE,
I ADDITIONAL SPECIAL COURT OR TRIAL OF NDPS ACT CASES,
MADURAI.

WEB COPY

2 THE INSPECTOR OF POLICE
NIB-CID, DINDIGUL, DINDIGUL DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT PRISON, DINDIGUL

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.3858 of 2023

Date :14/03/2023

SS/SBN/SAR /14/03/2023/3P/5C