



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

Date : 10/03/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.4000 of 2023

Eswaran ... Petitioner / Accused No.17

Vs

State rep by
The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
(Crime No.224 of 2022.)

... Respondent / Complainant

For Petitioner : M/s.R.Venkateswaran, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.224 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A17, who was arrested and remanded to judicial custody on 09.08.2022 for the offence punishable under Sections 8(c), 20(b)(ii)(c) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.224 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 28.07.2022 at about 14.00 hrs, based on a secret information, the respondent police went near the EB Colony Graveyard, where, A1 to A4 were trying to separate a commodity from the gunny bag and the respondent police found that A1 to A4 were found in possession of 34kgs of Ganja. Hence, the case. Later during the investigation, the involvement of the petitioner with the other main accused came to light.

<https://www.mhc.tn.gov.in/> Heard the learned counsel on either side. Perused the



materials available on record including the FIR.

4.Considering the facts and circumstances of the case and also the facts that the co-accused have already been granted bail by this Court in Crl.O.P.(MD)No.22942 of 2022, dated 21.02.2023, that there is no recovery from the petitioner and that the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

5.Accordingly, the petitioner is ordered to be released on bail on her executing 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 learned Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai, and on further conditions that :-

[a] 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.

[b] the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431, and shall produce the receipt before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m and 05.30 p.m., until further orders.

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

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

[f] On breach of any of the aforesaid conditions, the learned 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].

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

sd/-

10/03/2023

/ TRUE COPY /

10/03/2023

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

SJI



To

1.The Judge,
Principal Special Court for Trial of Narcotic Drugs and
Psychotropic Substances Act Cases,
Madurai.

2.The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.

3.The Officer In-charge,
District Prison,
Dindigul.

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

Copy to:

The Officer In-charge,
Ray of Light Foundation,
No.10, Nageswara Road,
Nungambakkam,
Chennai, Tamil Nadu 600034.

+1. CC to M/S.R.VENKATESWARAN, Advocate SR.No.4030 (I) dated
13/03/2023.

ORDER

IN

CRL OP(MD) No.4000 of 2023

Date :10/03/2023

ED/SBN/SAR- (10/03/2023) 3P 7C