



WEB COPY

(Crime)



3).

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/03/2023

PRESENT

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

CRL OP(MD) . 4621 of 2023

Magesh

... Petitioner/Sole Accused

Vs

State rep. by
The Inspector of Police,
PEW Alangudi Police Station,
Pudukkottai District.
(Crime No.101 of 2023).

... Respondent/Complainant

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

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

PRAYER :-

For Bail in Crime No.101 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 07.02.2023 for the offences punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985 in Crime No.101 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 07.02.2023, the respondent police was on surveillance to unearth hoarding of Ganja. At that time, a person carrying on yellow bag was standing near a petty shop belonging to one Sekar. Immediately, the respondent inspected the yellow bag and it reveals that the petitioner was found in possession of 2.150 kgs of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.



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4.The learned Additional Public Prosecutor vehemently stated that the petitioner so far involved 9 previous cases and all are similar in nature.

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

6.Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration, this court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his 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 Special Court for EC & NDPS Act Cases, Pudukottai 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/-

13/03/2023

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13/03/2023

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



(Crime)



3).

TO

1 THE JUDGE, SPECIAL COURT FOR EC & NDPS ACT CASES, PUDUKOTTAI.

2 THE INSPECTOR OF POLICE, PEW ALANGUDI POLICE STATION,
PUDUKOTTAI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKOTTAI.

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

COPY TO

THE OFFICER INCHARGE,
RAY OF LIGHT FOUNDATION,
NO.10, NAGESWARA ROAD,
NUNGAMBAKKAM, CHENNAI,
TAMIL NADU 600034,
PH 8939065431.

+1 CC to M/s.LENIN KUMAR T, Advocate (SR-4070[I] dated 13/03/2023)

ORDER

IN

CRL OP(MD) No.4621 of 2023

Date :13/03/2023

RS/MMS/SAR-(13.03.2023) 3P 7C