



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

Date : 24/03/2023

PRESENT

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

CRL OP(MD) . No.5547 of 2023

Mugesh ... Petitioner / Accused (Rank not known)

Vs

The State rep by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(In Crime No.60/2023). ... Respondent / Complainant

For Petitioner : M/s.Mayilvahana Rajendran C, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr No.60/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused who was arrested and remanded to judicial custody on 23.02.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 29(1) and 25 of NDPS Act in Crime No.60 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with the other accused were found in illegal possession of 1.200kgs of Ganja. Hence, the case.

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

4.There are three accused involved in this case. The petitioner is arrayed as A3. Even according to the case of the prosecution, A1 and A2 were in possession of 1.200kgs of Ganja. On the confession of A1 and A2, the petitioner has been implicated as an accused. And in the case of A3, there was no recovery from the petitioner. That apart,



the contraband weighing 1.200kgs of Ganja, which is an in-quantity.

5. Considering the above facts and circumstances of the case and also the period of incarceration, 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 Principal Special Court for EC and NDPS Act Cases, Madurai, 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 respondent police daily at 10.30 A.M. and 05.30 P.M., for a period of four weeks and thereafter, as and when required for interrogation.

[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/-
24/03/2023

/ TRUE COPY /

24/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

<https://www.mhc.tn.gov.in/judis>



To

1.The Additional District Judge,
Principal Special Court for EC and NDPS Act Cases,
Madurai.

2.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

3.The Officer Incharge,
District Jail,
Nagercoil.

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

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-4850[I] dated
24/03/2023)

ORDER

IN

CRL OP(MD) No.5547 of 2023

Date :24/03/2023

ED/SBN/SAR- (24/03/2023) 3P 6C