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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/04/2023

PRESENT

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

CRL OP(MD) . No.6009 of 2023

Nirmal @ Kottai

... Petitioner/Accused No.9

Vs

State through
The Inspector of Police,
Sellur Police Station,
Sellur, Madurai City.
(Crime No.743 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.Abdul Rahuman, Advocate

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

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

PRAYER :-

For Bail in Crime No.743/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A9, who was arrested and remanded to judicial custody on 27.09.2022 for the offences punishable under Sections 8 (c) r/w 20(b)(ii)(C) and 29(i) of NDPS Act, in Crime No.743 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 12.08.2023 at 01.15 pm., the respondent police received secret information and 01.45 pm., rushed to place of occurrence and found that A1 in this case possess ganja and arrested her along with petitioner and four others and seized 25.500 kgs Ganja and went to the respondent police station and registered instant case against the petitioner and eight others.



3.The learned counsel for the petitioner submitted the petitioner/A9 has been implicated in this case based on the confession given by co-accused. Even according to the prosecution, A1 to A6 were in possession of contraband 25.500kgs.

4.Heard the learned Additional Public Prosecutor appearing for the respondent.

5.The petitioner has made out a *prima facie* case. Therefore, considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two 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 everyday at 10.30 A.M., and 05.30 pm., 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 herself 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/-

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11/04/2023

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



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1 THE PRINCIPAL SPECIAL JUDGE,
FOR EC AND NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE
SELLUR POLICE STATION, SELLUR, MADURAI CITY.

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.ABDUL RAHUMAN S, Advocate (SR-5648[I] dated 11/04/2023

ORDER

IN

CRL OP(MD) No.6009 of 2023

Date :11/04/2023

PKP/SSS/SAR- /11.04.2023/ **3P/6C**