



WEB COPY

(Crime)



2).

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 17/04/2023

PRESENT

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

CRL OP(MD) . 6866 of 2023

Jeyakumar

... Petitioner/Accused No.19

Vs

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

... Respondent/Complainant

For Petitioner : Mr.K.P.Narayanakumar, 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/A19, who was arrested and remanded to judicial custody on 05.08.2022 for the offences punishable under Section 8(c), 20(b)(ii)(C) and 25 of NDPS 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 hours, based on the secret information, when the respondent police went to raid in EB colony burial ground near Karuvelankadu area, there they saw 4 persons sitting in suspicious manner with white colour fertilizer gunny bag. On seeing the respondent police, all the 4 accused tried to escape from the scene of occurrence. But, the respondent police surrounded and arrested 4 accused, namely A1 Vairavan, A2 Muthukaruppan, A3 Sundrapandi and A4 Naveena. On search, the respondent police found in possession of 34kg of Ganja in the above said gunny bag. After completing the necessary formalities under NDPS Act, they were arrested in the place of occurrence itself along with the contraband and also seized two motor vehicle bearing Registration No.TN 57 BP 8004 Yezdi from A1



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and another vehicle bearing Registration No.TN 58 BX 4484 I from A2. Hence, the case.

3. The learned counsel for the petitioner submitted that except the confession of the co-accused there is no other material available to connect the petitioner with the crime and even as per the case of prosecution, A1 to A3 were found in possession of 34kgs of Ganja.

4. The learned Additional Public Prosecutor appearing for the respondent filed counter and submitted that there are materials to connect the petitioner along with A1 to A3, who were found in possession of contraband weighing 34kgs of Ganja. Therefore, he vehemently opposed to grant bail to the petitioner.

5. There are totally 20 accused, in which, the petitioner is arrayed as A19. Even according to the prosecution, the petitioner has been impleaded as an accused on the confession statement of co-accused. In order to connect the petitioner with the accused persons, who were found in possession of contraband, no material produced by the prosecution. The similarly placed accused persons were already granted on bail by this Court in CrI.O.P(MD).Nos.22942 of 2022, 4000 of 2023, 457 of 2023 and 4411 of 2023. Therefore, the petitioner makes out a *prima facie* case in order to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act.

6. Considering the above facts and circumstances of the case and the period of incarceration suffered by the petitioner from the date of his arrest on 05.08.2022, this court is inclined to grant bail to the petitioner.

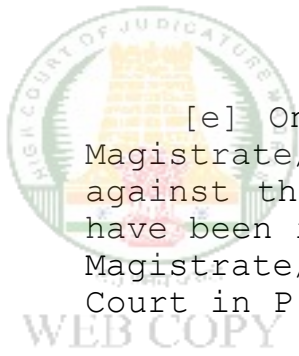
7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of learned Special Judge, Special Court for EC & NDPS Act Cases, Madurai and on further 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 report before the respondent police daily at 10.30 a.m and 05.30 p.m., until further orders.

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

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



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[e] On breach of any of the aforesaid conditions, the 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].

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

sd/-

17/04/2023

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18 /04/2023

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

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TO

- 1.THE SPECIAL JUDGE,  
SPECIAL COURT FOR EC & NDPS ACT CASES, MADURAI.
- 2.THE SUPERINTENDENT,  
CENTRAL PRISON,  
DINDIGUL.
- 3 THE INSPECTOR OF POLICE,  
DHADIKOMBU POLICE STATION,  
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate ( SR-5965[I] dated  
17/04/2023 )

ORDER

IN

CRL OP(MD) No.6866 of 2023

Date :17/04/2023

RK/SSS/SAR-(18/04/2023) 3P/6C