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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.6592 of 2023

Rajesh

... Petitioner/Sole Accused

Vs

The State

Rep., by the Inspector of Police,
Cholapuram Police Station,
Thanjavur District.
(Crime No.94 of 2023)

... Respondent/Complainant

For Petitioner

: Mr.T.Palanisamy

For Respondent

: Mr.T.Senthilkumar,

Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.94/2023 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 Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, in Crime No.94 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06.02.2023 at about 16.00 hours, based on the secret information, the respondent conducted search in Senganoor, near Kadambangudi Junction and found that unknown person selling Ganja. On seeing police, accused person escaped from the spot and traced out the accused person having yellow colour bag, inside the bag there was Ganja having 1k 100g without any valid permission. 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.



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

6. Considering the above facts and circumstances of the case and the incarceration of the petitioner from the date of his arrest and also fact that the smaller quantity, 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 Special Court under the Essential Commodities Act, Thanjavur, and on further conditions that:

[b] the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and shall produce the receipt before the concerned Magistrate at the time of executing the bond;

(c) 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.

[d] the petitioner shall report before the respondent police everyday at 10.30 A.M., and 05.30 pm., for a period of four weeks and thereafter, as and when required for interrogation.

[e] the petitioner shall not commit any offences of similar nature.

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

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

[h] 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].

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

sd/-

11/04/2023

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11/04/2023

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



TO

1 THE JUDGE,
SPECIAL COURT UNDER THE ESSENTIAL
COMMODITIES ACT, THANJAVUR.

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2 THE OFFICER INCHARGE
SUB JAIL, THIRUVIDAIMARUTHUR,
THANJAVUR DISTRICT.

3 THE INSPECTOR OF POLICE
CHOLAPURAM POLICE STATION, THANJAVUR DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE,
THE CREDIT OF ADYAR CANCER INSTITUTE (WIA),
EAST CANAL BANK ROAD, ADYAR, CHENNAI.

+1. CC to M/S.PALANISAMY.T Advocate SR.No.5656

ORDER

IN

CRL OP (MD) No.6592 of 2023

Date :11/04/2023

SS/VR/SAR /11/04/2023/3P/7C