



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

Date : 20.04.2023

PRESENT

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

CRL OP(MD) . No.6646 of 2023

WEB COPY

(*)K.Murugan @ Murugesan

... Petitioner/Accused (A6)

Vs.

The Inspector of Police,
NIBCID Police Station,
Nagapattinam.

(In Crime No.3 of 2020)

... Respondent/Complainant

For Petitioner	: Mr.S.Sathish Kumar, 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.3/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 13.03.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 25, of NDPS Act in Crime No.3 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.01.2020 respondent police conducted search at Nagapattinam and they found 54kg of Ganja with in possession of A1. Thereafter, the respondent arrested A1, seized the said Ganja from him and also filed FIR in Crime No.3 of 2020 for the offence under Sections 8(c), 20(b)(ii)(c) and 25 of NDPS Act, 1985. After getting confession statement from A1, the petitioner was implicated as an accused. Hence, the case.

3.Heard the learned counsel on either side and perused the records available on record including the First Information Report.

4.It is seen that there are totally six accused, in which, the petitioner is arrayed as A6. Even according to the prosecution, the petitioner has been implicated as an accused only based on the confession statement of co-accused person and except this confession, no other material produced by the prosecution to connect the petitioner with this crime. Therefore, the petitioner made a *prima facie* case to satisfy the twin conditions as contemplated



under Section 37 of NDPS Act.

5.Considering the above facts and circumstances of the case and also considering 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 Judicial Magistrate No.I, Thanjavur, and on further conditions that:

[b] the petitioner and 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 trial Court in C.C.No.20 of 2021 daily morning at 10.30 a.m., and evening at 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

20/04/2023

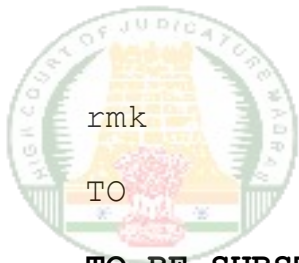
(*)Amended as per order of this Hon'ble Court in CRL MP(MD).7039/2023 in CRL OP (MD).6646/2023 dated 27.04.2023

Further two week time is granted to the petitioner to comply with the conditions imposed by this Court from the date of receipt of a copy of this order as last chance.

/ TRUE COPY /

28/04/2023

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



TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 21.04.2023

WEB COPY

1. THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
 3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 4. THE INSPECTOR OF POLICE,
NIBCID POLICE STATION,
NAGAPATTINAM.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.G.MUTHUKANNAN Advocate SR.No.6704[I]

ORDER
IN
CRL OP(MD) No.6646 of 2023
Date : 20/04/2023

RK/CG/SAR-(21/04/2023) 3P/7C
RS/CG/SAR-(28.04.2023) 3P/7C