



(Crime

2).



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/04/2023

WEB COPY

PRESENT

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

CRL OP(MD) . 7006 of 2023

R.Gowtham

... Petitioner/Accused No.2

Vs

State rep., by
The Inspector of Police,
NIB-CID
Dindigul District.
(Crime No.09 of 2022).

... Respondent/Complainant

For Petitioner : Mr.M.Ramu, Advocate
for Mr.NA.Manimaran, Advocate
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

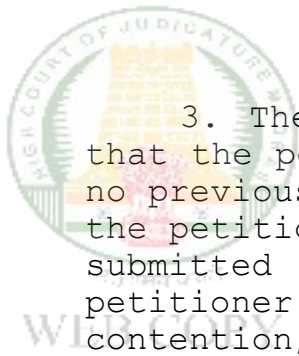
PRAYER :-

For Bail in Crime No.09 of 2022 in CC.No.26 of 2023 on the file of the II Additional District and Sessions Judge for EC and NDPS Act Cases, Madurai.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 20.07.2022 for the offences punishable under Sections 8 (c) and 20(b)(ii)(C) of NDPS Act, 1985 in Crime No.09 of 2022 in CC.No.26 of 2023 on the file of the II Additional District and Sessions Judge for EC and NDPS Act Cases, Madurai, seeks bail.

2. The case of the prosecution is that on 17.07.2022 at about 16.30 hours, based on the secret information, the respondent police mounted on surveillance near Vadamadurai Bus Stop. At that time, two persons viz., Ramu/A1 and his son Gowtham/A2/petitioner were identified by the informer and left the place. Thereafter, on enquiry, both of them were jointly found possession of 20.500kg of Ganja. After completing all formalities as contemplated under NDPS Act, arrested both the accused and seized the contraband weighing 20.500kg of Ganja. The investigation reveals that the petitioner has been actively involved in drug trafficking . Hence, the case.



3. The learned counsel appearing for the petitioner stated that the petitioner is arrayed as A2. He is the son of A1. He has no previous case, only because of his father involved so many cases, the petitioner has been falsely implicated in this case. He further submitted that on the confession statement recorded from A1, the petitioner has been implicated as an accused. Except this contention, there is no other materials to connect the petitioner in this crime. Hence, he seeks for bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there was a phone call between A1 and A2 on the date of occurrence. After purchasing of Ganja, A1 called A2 in order to pick up him. Though the petitioner is the son of A1, he also actively involved in the business conducted by A1.

5. It is seen that as per the prosecution, there was phone call between A1 and A2. After purchasing Ganja, A1 called A2 to pick up him. However, except this contention, there is no other material in order to connect the petitioner in this crime. Since the petitioner is the son of A1, he has been falsely implicated as an accused. Though the first accused involved so many cases, the petitioner/A2 so far not involved any other case. Therefore, since the petitioner makes out *prima facie* case and satisfied the Court as per the twin conditions contemplated under Section 37 of the NDPS Act, this Court is inclined to grant bail to the petitioner.

6. 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 Principal Special Court for EC and 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 trial Court daily morning at 10.30 a.m and evening at 05.30 pm., 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.

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



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2).

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

sd/-

17/04/2023

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17/04/2023

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

Rmk

TO

- 1 THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE FOR EC AND NDPS ACT CASES, MADURAI.
 - 2 THE PRINCIPAL SPECIAL COURT FOR EC AND NDPS ACT CASES, MADURAI.
 - 3 THE INSPECTOR OF POLICE, NIB-CID, DINDIGUL DISTRICT.
 - 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.NA.MANIMARAN, Advocate (SR-5949[I] dated 17/04/2023)

ORDER

IN

CRL OP(MD) No.7006 of 2023

Date :17/04/2023

RS/VR/SAR-(17.04.2023) 3P 7C