



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25.04.2023
PRESENT

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

CRL OP(MD) . No.7624 of 2023

M.Dhanapandi

... Petitioner/Accused 4

Vs.

The State rep., by
The Inspector of Police,
NIB CID,
Dindigul District.
(In Crime No.02 of 2022)

... Respondent/Complainant

For Petitioner : Mr.NA.MANIMARAN, Advocate
For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.02/2022 on the file of the respondent police.

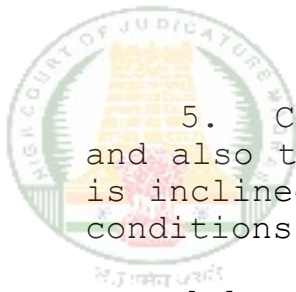
ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 12.11.2021 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 25 of NDPS Act in Crime No.02 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 26.08.2021, based on the secret information, the respondent police conducted an inspection at Santhamnayakanpatti near back side of A1's house, and they found two white colour bag each 30kgs of ganja with the accused persons and seized the same. Hence, the case.

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

4. It is seen that the petitioner has been implicated as an accused only based upon the confession statement recorded from A1 and A2. The prosecution has also failed to produce any material in order to connect the petition along with A1 and A2. Now, A2 was released on bail by this Court. The petitioner has made out a *prima facie* case in order to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act.



5. Considering the above facts and circumstances of the case and also the period of incarceration of the petitioner, 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 Principal Special Court for EC and NDPS Act Cases, Madurai, 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 CC.No.194 of 2022 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/-

25/04/2023

/ TRUE COPY /

25/04/2023

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

RMK

TO

1 THE PRINCIPAL SPECIAL JUDGE

FOR EC & NDPS ACT CASES, MADURAI.

<https://www.mhc.tn.gov.in/judis>



2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
NIB CID,
DINDIGUL DISTRICT.

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

COPY TO:

THE I ADDITIONAL SPECIAL JUDGE
FOR NDPS ACT CASES, MADURAI (FAC).

+1. CC to M/S.MANIMARAN.NA Advocate SR.No.6505

ORDER

IN

CRL OP(MD) No.7624 of 2023

Date :25/04/2023

SA/VR/SAR. /25.04.2023/3P/7C