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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.04.2023

PRESENT

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

CRL OP(MD) . No.7155 of 2023

Shake Moidheen

... Petitioner/Accused No.2

Vs.,

State Rep.by
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(In Crime No.53 of 2023)

... Respondent/Complainant

For Petitioner : Mr.J.Vivek, Advocate
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

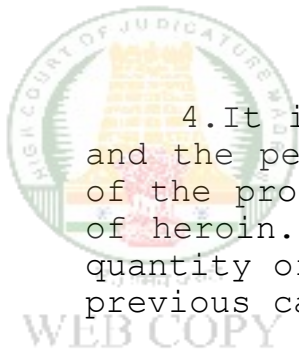
For Bail in Crime No.53/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 20.03.2023 for the offences punishable under Sections 8 (c) and 21(b) of NDPS Act, 1985, Section 12(1)(c) of Passport Act, 1967, Section 14A(b) of Foreigners Act, 1946 and Section 489 C of IPC in Crime No.53 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on the secret information, the respondent police conducted search at Thondi to Thiruvadanai Road near Government High School. At that time, they caught red-handed four suspected persons including the petitioner and they found in illegal possession of fake currency notes and 32 grams of heroin. Hence, the case.

3.Heard both sides and perused the materials available on record including the First Information Report.



4.It is seen that there are totally seven accused in 1 se and the petitioner herein is arrayed as A2. According to the case of the prosecution, A1 to A4 were in illegal possession of 32 grams of heroin. According to the petitioner, he came to purchase small quantity of heroin from A1, who is Srilankan. The petitioner has no previous case and no bad antecedents.

5.Considering the above facts and circumstances of the case and 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 learned District and Sessions Judge, Special Court for EC and NDPS Act cases, Pudukkottai 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 by way of Demand Draft/RTGS/NEFT to the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431, 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 daily at 10.30 A.M. and 5.30P.M., until further orders.

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

sd/-

19/04/2023

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19/04/2023

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

Rmk

TO

1 THE DISTRICT AND SESSIONS JUDGE,
SPECIAL COURT FOR EC AND NDPS ACT CASES, PUDUKKOTTAI.

2 THE INSPECTOR OF POLICE, THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, PUDUKKOTTAI DISTRICT.

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

COPY TO

THE OFFICER INCHARGE,
RAY OF LIGHT FOUNDATION,
NO.10, NAGESWARA ROAD,
NUNGAMBAKKAM, CHENNAI,
TAMIL NADU 600034,
PH NO.8939065431.

+1 CC to M/s.VIVEK J, Advocate (SR-6125[I] dated 19/04/2023)

ORDER

IN

CRL OP(MD) No.7155 of 2023

Date :19/04/2023

RS/SSS/SAR-(19.04.2023) 3P 7C