



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

Date : 24/04/2023

PRESENT

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

CRL OP(MD). No.7583 of 2023

B.Mathivanan

... Petitioner / Accused No.3

Vs

The State of Tamil Nadu rep by
The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.
(Crime No.625/2022).

... Respondent / Complainant

For Petitioner : M/s.Dinesh K, 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.625/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 21.03.2023 for the offences punishable under Sections 8 (c), 20(b)(ii)(B), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.625 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.12.2022, based on the secret information, the respondent police went to the place and found that there were some transactions between the two vehicles bearing registration No.TN-09-S5478 Hyndai Car and a Black Yamaha RX bearing Registration No.TN459887 and on seeing the police officials, the accused were tried to flee away from the spot. However, the respondent police had arrested A1 and A2 and could not catch the third accused and on relying the mandatory provisions, it was found that they are in joint possession of 1.350kgs of Ganja and also

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recovered a white cloth bag used to keep Ganja, a car, a 10 button cell phone (belonging to A3) and Yamaha two wheeler, Vivo black colour cell phone from A2). Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen from the records that the quantity of Ganja involved in this is 1.350kgs, which is an in between quantity. Therefore, the bar under Section 37 of the NDPS Act would not apply to this case.

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 sureties each for a like sum to the satisfaction of the learned Principal Special Court for EC and NDPS Act Cases, Madurai, and on further conditions that:

[b] 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.

[c] the petitioner shall report before the respondent police daily morning at 10.30 A.M. and evening at 05.30 P.M., 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

24/04/2023

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



To

1.The Judge,
Principal Special Court for EC and NDPC Act Cases, Madurai.

2.The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.

3.The Officer Incharge,
District Jail,
Dindigul.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.DINESH K, Advocate (SR-6439[I] dated 24/04/2023)

ORDER

IN

CRL OP(MD) No.7583 of 2023

Date :24/04/2023

ED/SSS/SAR- (24/04/2023) 3P 6C