



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/04/2023
PRESENT

WEB COPY

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

CRL OP(MD) . 7485 of 2023

1.Sakthivel
2.Raju @ Appu

... Petitioners/Accused 1 & 2

Vs

The State rep., by
The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.
(Crime No.304 of 2023).

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran, Advocate
For Respondent : Mr.K.SANJAI GANDHI,
Government Advocate(crl.side)

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

PRAYER :- For Bail in Crime No.304 of 2023 on the file of the respondent police.

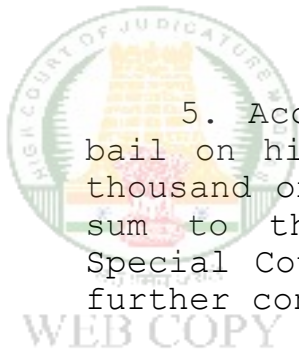
ORDER : The Court made the following order :-

The petitioners/A1&A2, who were arrested and remanded to judicial custody on 09.03.2023 for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of NDPS Act in Crime No.304 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that based on the secret information, the respondent police team visited near Sivagangai Park. At that time, the respondent police found that the petitioners are in possession of 1.650kg of Ganja roped in bundle and the same was seized by the respondent and also arrested the petitioners in the occurrence place. Hence, the case.

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

4. It is in between quantity, that apart the respondent police completed investigation and filed final report. Considering the facts and circumstances of the case and also the period of incarceration, this Court is inclined to grant bail to the petitioners.



5. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two blood related sureties, each for a like sum to the satisfaction of learned Additional District Judge, Special Court for under Essential Commodities Act, Thanjavur and on further conditions that :-

[a] the petitioners 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.

[b] the petitioners shall report before the trial Court in CC.No.20 of 2023 on the file of the NDPS Court, Thanjavur, daily at 10.30 a.m for a period of four weeks and thereafter, on all hearing dates.

[c] the petitioners shall not commit any offences of similar nature.

(d) the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

21/04/2023

/ TRUE COPY /

21/04/2023

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

RMK
TO

1 THE ADDITIONAL DISTRICT JUDGE,
SPECIAL COURT FOR UNDER ESSENTIAL
COMMODITIES ACT, THANJAVUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.



3 THE INSPECTOR OF POLICE,
THANJAVUR WEST POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO:

THE JUDGE,
NDPS COURT,
THANJAVUR.

+1. CC to M/S.KARUNAKARAN.K.M Advocate SR.No.6292

ORDER

IN

CRL OP (MD) No.7485 of 2023

Date :21/04/2023

SA/MMS/SAR. /21.04.2023/3P/7C