



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/06/2023

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PRESENT

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

CRL OP(MD) . No.8594 of 2023

Sathish @ Pettai Sathish

... Petitioner/Accused No.4

Vs

State Rep. By
The Inspector of Police,
Nagoor Police Station,
Nagapattinam, District.
(Crime No.750/2021).

... Respondent/Complainant

For Petitioner : Mr.T.Navaneethakrishnan, 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.750/2021 on the file of the Respondent Police.

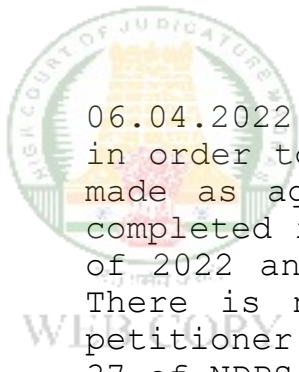
ORDER : The Court made the following order :-

The petitioner /accused no.4 who was arrested and remanded to judicial custody on 27.05.2022 for the offences under sections 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act in Crime No.750 of 2021 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 05.08.2021, on receiving an information, the defacto complainant along with other police parties approached the accused persons and conducted check up. At that time, the petitioner along with other accused were found in illegal possession of 20.5kgs of ganja.

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

4.There are totally four accused in this case and the petitioner herein is arrayed as A4. Admittedly, the petitioner has been implicated as an accused on the basis of confession statement of A2. Further A3 was already granted bail by an order dated



06.04.2022. There is no other materials produced by the pro in order to implicate the petitioner as an accused. No recovery was made as against the petitioner. That apart, the respondent police completed investigation and the case was taken on file as C.C.No.119 of 2022 and it is pending trial before the NDPS Court, Thanjavur. There is no previous case against the petitioner. Therefore, the petitioner satisfy the two conditions as contemplated in the Section 37 of NDPS Act.

5. Taking into consideration of the above facts and circumstances and also 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagapattinam 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 trial Court on 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/-

12/06/2023

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12/06/2023

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



- 1 THE JUDICIAL MAGISTRATE NO.II, NAGAPATTINAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, NAGAPATTINAM.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE, NAGOOR POLICE STATION,
NAGAPATTINAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8594 of 2023
Date :12/06/2023

PKP/CG/SAR- /13.06.2023/ **3P/6C**