



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/06/2023
PRESENT

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

CRL OP(MD) . No.8770 of 2023

Santhosh Kumar,

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
Crime No.151/2017.

... Respondent/Complainant

For Petitioner : M/s.PRASANNA.R,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

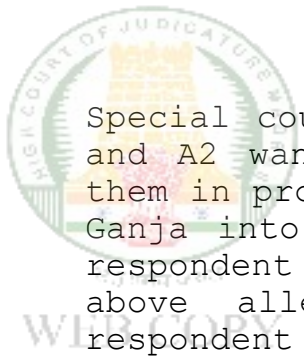
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.151 of 2017 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 15.03.2023 for the offences punishable under Sections 8(C) r/w 20(b)(ii)(c) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.151 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant one Gajendran (Inspector of Police) has given a complaint alleging that on 12.07.2017 at 16.00 hrs, when they were in routine vehicle check up near Vethalai Seashore area, one Tyota Car bearing Registration No.TN-02-AM-8889 was coming towards them and stopped on seeing the police party. Thereafter three persons ran away from the car. The police seized 64kgs of Ganja from the car. The respondent police registered the First Information Report against Vethagirithara Ganesan, Suthakar, Selvakumar and Alamelu Meena, who is the owner of the vehicle. The police after investigation removed the names of Vethagirinathan, Selvakumar and Alamelu from the FIR. The respondent police filed charge sheet against the petitioner and five others in C.C.NO.253 of 2022, which is taken on file by the



Special court for E.C. Act, Pudukkottai. The allegation is A1 and A2 wanted to smuggle Ganja, the petitioner and others helped them in procuring Ganja and the petitioner is alleged to have loaded Ganja into the car and went to the spot in two wheeler bike. The respondent police had seized 64kgs of Ganja from the car. With the above allegations, the petitioner has been arrested by the respondent police.

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

4.It is seen that there are totally six accused in this case and the petitioner is arrayed as A3. He has been implicated as an accused based on the confession statement of the co-accused. A1 and A2 were found in possession of 64kgs of Ganja. Only on their confession, the petitioner has been implicated as an accused. That apart, the petitioner was in abroad and based on the Lookout Circular, the petitioner has been secured on 15.03.2023. Except their confession statement, no other materials are available in order to implicate the petitioner in this crime. However, now the respondent police completed the investigation and filed final report and the same is pending for trial in C.C.No.253 of 2022 on the file of the Special Court for E.C Act, Pudukkottai.

5.Taking into consideration of the facts and submissions made by the learned counsels 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 sureties each for a like sum to the satisfaction of the learned Special Court for E.C. Act, Pudukkottai, 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] after coming out from prison, within two days, the petitioner shall surrender his original passport before the respondent police;

[d] the petitioner shall report before the trial Court daily at 10.30 A.M. and 05.30 P.M., until further orders.

[e] the petitioner shall not commit any offences of similar nature.

[f] the petitioner shall not abscond either during investigation



[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].

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

sd/-

14/06/2023

/ TRUE COPY /

14/06/2023

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

SJI

TO

- 1 THE JUDGE,
SPECIAL COURT FOR EC ACT, PUDUKKOTTAI.
- 2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
- 3 THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRASANNA.R Advocate SR.No.8680

ORDER

IN

CRL OP(MD) No.8770 of 2023

Date :14/06/2023

SA/SSS/SAR. /14.06.2023/3P/6C