



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15.06.2023
PRESENT

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

CRL OP(MD)No.8856 of 2023

R.Sandaliyan

... Petitioner/Accused 13

Vs

State represented by
The Inspector of Police,
Dhadikombu P.S.
Dindigul District.
Crime No.224 of 2022

... Respondent/Complainant

For Petitioner : Mr.NA.MANIMARAN, 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.224 of 2022 on the file of the Respondent Police.

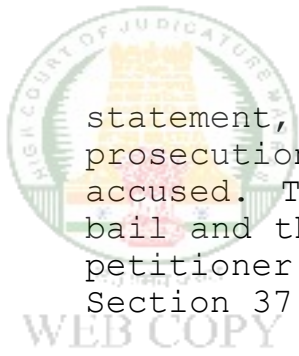
ORDER : The Court made the following order :-

The petitioner/A13, who was arrested and remanded to judicial custody on 05.08.2022 for the offence under section 8(c) r/w 20(b)(ii)(C), 25 of NDPS Act in Crime No.224 of 2022 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 28.07.2022, at about 13.00 hours, based on the secret information, the respondent police conducted ride at EP colony near cremation ground. At that time, they found A1 and other accused persons were preparing and packing ganja and they seized 34 kgs of ganja. 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 19 accused in this case, in which, the petitioner herein is arrayed as A13. Even according to the case of the prosecution, A1 and A4 were found in possession of 34 kgs of ganja and based on their confession statement only, the petitioner herein implicated as an accused. Except confession



statement, there is no other documents or materials produced by the prosecution, in order to connect the petitioner along with other accused. That apart, A5, A7 to A19 were arrested and released on bail and the petitioner is not having any previous cases. Hence, the petitioner satisfied the twin conditions as contemplated under 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 Principal Special Court for EC & 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 am., and evening at 05.00 pm., for a period of four weeks and thereafter, as and when required.

[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/-

15/06/2023

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15/06/2023

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



GNS

TO

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT CASES, MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
DHADIKOMBU P.S.
DINDIGUL DISTRICT.

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

ORDER

IN

CRL OP(MD) No.8856 of 2023

Date :15/06/2023

SA/SSS/SAR. /15.06.2023/3P/5C