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CRL OP(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.06.2023

PRESENT

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

CRL OP(MD)No.9104 of 2023

1.Arunpandi
2.Muthupandi

... Petitioners/Accused No.4 & 5

Vs

State represented by
The Inspector of Police,
Natham Police Station,
Dindigul District.
(Crime No.71 of 2022)

... Respondent/Complainant

For Petitioners : Mr.R.Narayanan, Advocate
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

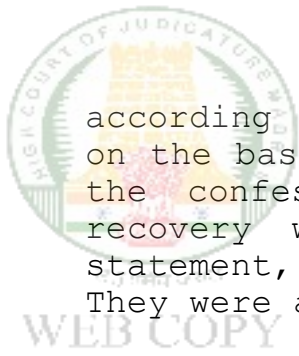
For Bail in Crime No.71 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners /A4 & A5, who were arrested and remanded to judicial custody on 27.02.2023 for the offences under sections 8(c), 20(b)(ii)(C), 25, 29(1) of NDPS Act in Crime No.71 of 2022 on the file of the respondent police seek bail.

2.The case of the prosecution is that based on secret information, the respondent police conducted a vehicle checkup at Sendhurai Junction. While so, the accused persons coming in Car and on seeing the respondent Police, the accused persons attempted to escape, but the respondent Police napped the accused persons and found that they were in joint possession of 140 kgs of Ganja and the said contraband was seized and the respondent Police registered the present case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are arrayed as A4 & A5 and even



according to the prosecution, they were implicated as accused only on the basis of the confession statement of co-accused. Even as per the confession statement, they are selling the contraband. No recovery was made from the petitioners. Except the confession statement, there are no other material to connect the petitioners. They were arrested and remanded to Judicial custody on 27.02.2023.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that based on the secret information, the respondent police intercepted the car of the accused and found that they were in possession of 140 kgs of Ganja and recovered the same and opposed to grant bail to the petitioners.

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

6.It is seen that there are totally seven accused in this case and the petitioners are arrayed as A4 & A5. Even according to the case of the prosecution, except the confession statement, no other material produced by the prosecution in order to connect them with the other accused persons. That apart, the petitioners had no previous case. Therefore, the petitioners made out a *prima facie* case in order to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act and hence, this court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Special Court for trial of NDPS Act cases at 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 petitioners shall report before trial Court, on all working days, daily at 10.30 A.M., and 05.30 p.m., until further orders.

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners 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 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].



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[h] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-

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16/06/2023

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

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GNS

TO

- 1 THE JUDGE, SPECIAL COURT FOR TRIAL OF NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE, NATHAM POLICE STATION, DINDIGUL DISTRICT.
- 3 THE OFFICER INCHARGE, DINDIGUL SUB JAIL, DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R,NARAYANAN, Advocate (SR-8992[I] dated 16/06/2023)

ORDER

IN

CRL OP(MD) No.9104 of 2023

Date :16/06/2023

RS/VR/SAR-(16.06.2023) 3P 6C