



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 21/06/2023

PRESENT

WEB COPY

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

CRL OP(MD) . No.9424 of 2023

1. Suresh Kannan Alias Nettur Kannan
2. Marimuthu
3. Sathya ... Petitioners/A1,A4 & A6

Vs

The State Rep.by  
The Inspector of Police,  
Kadayanallur Police Station,  
Tenkasi District.  
Cr No.337/2023.

... Respondent/Complainant

For Petitioner : M/s.William Christopher.J,  
Advocate.

For Respondent : Mr.T.Senthilkumar,  
Additional Public Prosecutor

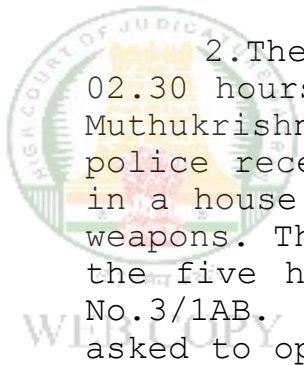
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

To grant bail to these petitioners in C.C.No.428 of 2023 pending on the file of the Learned Principal Special Court for Trial of NDPS Act Cases, Madurai in connection with Crime No.337 of 2022 on the file of the respondent.

ORDER : The Court made the following order :-

The petitioners/A1, A4 and A6, who are facing trial for the offences punishable under Sections 147, 148, 294(b), 353, 307 and 506(ii) of IPC, Section 25(1A) of Arms Act 1959 and Sections 8(c) r/w 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act @ Sections 8(C) r/w 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, in C.C.No.428 of 2023 on the file of the learned Principal Special Court for Trial of NDPS Act Cases, Madurai in Crime No.337 of 2022 on the file of the respondent police, seeks bail.



2.The case of the prosecution is that on 03.10.2022 at 02.30 hours, when the respondent police mounted in surveillance in Muthukrishnapuram at Kadayanallur, at that time, the respondent police received a secret information that some persons were staying in a house belongs to one Saroja in a suspicious manner with deadly weapons. The respondent police went to that house and knocked one of the five houses in the first floor of that building, bearing Door No.3/1AB. That house was locked inside. When the respondent police asked to open the door, nobody responded and did not open the doors. Since the accused persons refused to open the door of the house, the respondent police broke the doors and tried to enter the house. At that time, A1 to A6 attacked the respondent police with deadly weapon and also abused them. But, the respondent police caught hold the accused persons, seized the contraband weighing 500gms of ganja, 6 aruval , 6 cell phones and vehicle. Hence, the case.

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

4.The learned Additional Public Prosecutor would submit that A1 and A6 were detained under Act of 1982 and they have also involved in so many cases and the first petitioner has involved in 25 previous cases and the second petitioner has involved in 7 previous cases and the third petitioner has also involved in 7 previous cases.

5.It is seen from the records that the other accused, who were in same putting was considered by this Court and granted bail in CrI.O.P.(MD)Nos.7595 and 9171 of 2023 dated 27.04.2023 and 01.06.2023.

6.Considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners and also the fact that the similarly place accused were also released on bail by this Court, 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) with two sureties each for a like sum to the satisfaction of the learned Principal Special Court for Trial of 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 petitioners shall report before the trial Court daily at 10.30 A.M., until further orders.

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

<https://www.mhc.tn.gov.in/judis>

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



[f] the petitioners shall not tamper with evidence or 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].

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

sd/-

21/06/2023

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21/06/2023

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

TO

1. The Principal Special Judge for Trial  
of NDPS Act Cases, Madurai.
2. The Superintendent, Central Prison, Madurai.
3. The Superintendent,  
Central Prison, Palayamkottai, Tirunelveli.
4. The Inspector of Police,  
Kadayanallur Police Station,  
Tenkasi District.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.9424 of 2023

Date :21/06/2023

MGJ/VR(21.06.2023) 3P 6C