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CRL OP(MD).A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/06/2023

PRESENT

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

CRL OP(MD). No.11336 of 2023

Kasi @ Kasirajan

... Petitioner/Accused No.4

Vs

The State Rep.by
The Inspector of Police,
Koodal Pudur P.S.Madurai City,
Madurai District.
in Crime No.1388/2020.

... Respondent/Complainant

For Petitioner : M/s.Niranjana S.Kumar,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner / Accused No.4 on Bail in C.C.No.8/2023 on the file of II Additional District Judge for NDPS Cases Court, Madurai in Crime No.1388 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who is facing trial for the offences punishable under Section 8(c), 20(b)(ii)(C) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in C.C.No.8 of 2023 on the file of the learned II Additional District Judge for NDPS Cases Court, Madurai in Crime No.1388 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 05.09.2020 at about 03.00 p.m., when the respondent police was on regular surveillance duty in the area of the first accused, they found that near the house of the first accused, the first accused and 15 members were found with white color gunny bag and on seeing the police, they fled away from the spot and that the police chased and arrested A1 to A3

<https://www.judiciary.gov.in/>



and seized the contraband of 22kgs of Ganja from them. He is the case.

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

4. It is seen that the petitioner was originally granted bail in Crime No.1388 of 2020. After completion of investigation, the respondent police have filed a final report and the same has been taken cognizance by the trial Court in C.C.No.8 of 2023 on the file of the learned II Additional District Judge for NDPS Cases Court, Madurai. However, he apprehends arrest in another case on the basis of the co-accused confession statement. Therefore, he is absent before the trial Court on 21.03.2022 and the trial Court issued Non-Bailable Warrant as against the petitioner. On the Non-Bailable Warrant issued against the petitioner in another case, he filed a petition for anticipatory bail before this Court and this Court had directed the petitioner to surrender before the concerned Court and seeks bail. However, he was remanded to judicial custody and also execute Non-Bailable Warrant on his arrest.

5. Considering the above facts and circumstances of the case, 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 II Additional District Judge for NDPS Cases Court, 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.

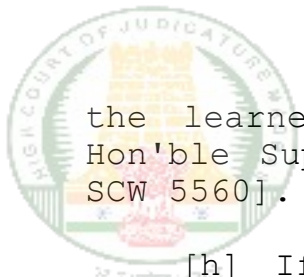
[c] the petitioner shall report before the trial Court daily at 10.30 A.M., till the completion of trial without fail.

[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/-

23/06/2023

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

TO

1 THE II ADDITIONAL DISTRICT JUDGE FOR NDPS CASES COURT,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI

3 THE INSPECTOR OF POLICE,
KODAL PUDUR P.S.MADURAI CITY,
MADURAI DISTRICT.

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

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-9451[I] dated
23/06/2023)

ORDER

IN

CRL OP(MD) No.11336 of 2023

Date :23/06/2023

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