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CRL OP(MD). N



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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.10836 of 2023

R.Kumar @ Mappillai Kumar

... Petitioner/Accused-4

Vs

State Rep.by
The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
(Crime No.454/2021)

... Respondent/Complainant

For Petitioner : M/s.Vimala P,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.454 of 2021 on the file of the respondent police

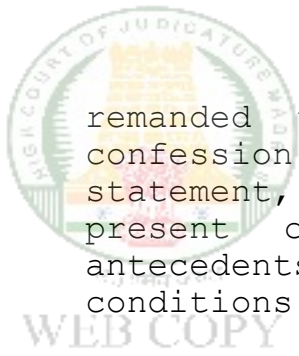
ORDER : The Court made the following order :-

The petitioner/A4 who was arrested and remanded to judicial custody on 26.04.2023 for the offences punishable under Sections 8 (c) r/w 20(b)(ii)(c), 25 and 29(1) of NDPS Act, 1985 in Crime No.454 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with the other accused were found in illegal possession of 126kgs of Ganja. Hence, the case.

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

4.It is seen that there are totally four accused in this case and the petitioner is arrayed as A4. The second accused was found in possession of contraband weighing 126kgs of Ganja. Based on his confession, the petitioner has been implicated as an accused in this case. The crime is of the year 2021. The petitioner was arrested and



remanded to judicial custody on 26.04.2023 that too the confession statement of the second accused. Except the confession statement, no material on record to connect the petitioner in the present crime. The petitioner is not having any previous antecedents. Therefore, the petitioner has satisfied the twin conditions as contemplated under Section 37 of the NDPS Act.

5. Taking into consideration of the facts and circumstances of the case and also considering 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 Additional District and Sessions Judge, Presiding Officer and Special Court for E.C. Act Cases, Thanjavur, 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., for a period of four weeks and thereafter report before the trial Court on all hearing dates 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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23/06/2023

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

SJI



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PRESIDING OFFICER AND SPECIAL COURT FOR EC ACT CASES,
THANJAVUR.

2 THE OFFICER INCHARGE, DISTRICT PRISON, NAGAPATTINAM.

3 THE INSPECTOR OF POLICE, KEELAIYUR POLICE STATION,
NAGAPATTINAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.10836 of 2023

Date :23/06/2023

RS/SSS/SAR-(23.06.2023) 3P 5C