



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.06.2023

PRESENT

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

CRL OP(MD)No.10241 of 2023

Malairajan @ Ottaiyan

... Petitioner/Accused No.4

Vs

The State through
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
In Crime No.500 of 2022

... Respondent/Complainant

For Petitioner : Mr.C.Prithviraj

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

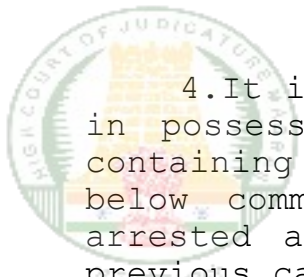
For Bail in Crime No.500 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 15.01.2023 for the offence under section 8(c), 20(b)(ii)(B), 22(c) and 29(1) of NDPS Act in Crime No.500 of 2022 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 03.12.2022, at about 08.15 am., when the police party conducted vehicle check up, they found two persons with a plastic gunny bag. On seeing police party, they tried to escape. However, the police caught them. On search, it was found that the accused persons were in illegal possession of 1.500 kgs of ganja. Hence the case.





4.It is seen that the petitioner along with other accused and in possession of 1.500 kgs of ganna and 11 tablet strips each containing 10 tablets (Nitrazepam Tablets IP 10 mg. ELZA-10). It is below commercial quantity. That apart, the co-accused persons arrested and released on bail. Though the petitioner is having previous cases, the same are not similar in nature.

WEB COPY

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 Sessions Judge for EC and NDPS 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the M.S.Chellamuthu Trust and Research Foundation, Alagarkovil, Madurai (Account No.11194450660, IFSC Code-SBIN0001479, State Bank of India, Vinayaganagar Branch, No.8, Dr.Ambedkar Road, Madurai-20)and shall produce the receipt before the concerned Magistrate at the time of executing the bond and on such deposit being made, the learned Special Judge shall accept the sureties furnished by the petitioner

[d]the petitioner shall report before the trial Court on all working days morning at 10.30 A.M., and evening at 05.00 P.M., for a period of four weeks and thereafter, on all hearing dates.

[e] the petitioner shall not commit any offences of similar nature.

[f] the petitioner shall not abscond either during investigation or trial.

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[h] 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].



WEB COPY

[i] If the accused thereafter absconds, a fresh FI be registered under Section 229A IPC.



sd/-
27/06/2023

/ TRUE COPY /

27/06/2023

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

TO

1. THE PRINCIPAL SPECIAL SESSIONS JUDGE FOR EC
AND NDPS CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT
- 3 THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER IN CHARGE,
M.S.CHELLAMUTHU TRUST AND RESEARCH FOUNDATION,
ALAGARKOVIL, MADURAI

ORDER
IN
CRL OP (MD) No.10241 of 2023
Date : 27/06/2023

MGJ(27.06.2023) 3P 6C