



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.10550 of 2023

Nalla Ibrahim

... Petitioner/Accused No.3

Vs

The State represented by
The Inspector of Police,
Paramakudi Nagar Police Station,
Ramanathapuram District.
(Crime No.96 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Jinnah S M A,
Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in C.C.No.91 of 2022 on the file of the learned Additional and Sessions Judge/Special Court for EC Act, Pudukkottai in Crime No.96 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who is facing trial for the offences punishable under Sections 8(C) r/w 20(b)(ii)(C), 27A, 29(1) and 25 of NDPS Act in C.C.No.91 of 2022 on the file of the learned Additional and Sessions Judge/Special Court for EC Act, Pudukkottai in Crime No.96 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on the secret information, on 28.01.2021 at about 11.00 p.m., the de-facto complainant along with the other police officials were conducted vehicle check up near Kamuthakudi Meenakshi Bhavan Hotel at Madurai to Rameshwaram four way road, at that time, the respondent police intercepted a vehicle bearing Registration No.TN-64-8643 (TATA Indica) came from Madurai towards Rameshwaram. On seeing the respondent police, one person from the car escaped from the scene of occurrence. On search, the respondent police found 90kgs of Ganja in four gunny bags and apprehended the fifth accused, namely, Periyakaruppan. The investigation reveals that all other accused namely, A1 to A4 and A6 to A8 were illegally transported the Ganja by a car and trying to sell in various places here. Hence, the case.



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

4. It is seen that there are totally 8 accused involved in this case and the petitioner is arrayed as A3. Even according to the case of the prosecution, based on the confession statement of the co-accused, the petitioner has been implicated as an accused. The petitioner has involved in so many previous cases. Insofar as the present case is concerned, he has been implicated as an accused only on the confession statement of the co-accused. In order to connect the petitioner and other accused, no material was produced by the prosecution. Therefore, the petitioner has made out a *prima facie* case to full the twin condition as contemplated under Section 37 of the NDPS Act.

5. Considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, 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 and Sessions Judge/Special Court for EC Act, Pudukkottai, 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. and 05.30 P.M., until further orders.

[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/-

21/06/2023

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/06/2023

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



TO

1 THE ADDITIONAL AND SESSIONS JUDGE,
SPECIAL COURT FOR EC ACT, PUDUKKOTTAI.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE
PARAMAKUDI NAGAR POLICE STATION,
RAMANATHAPURAM DISTRICT

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

+1 CC to M/s.S.M.A.JINNAH, Advocate (SR-9283[I] dated 21/06/2023)

ORDER

IN

CRL OP(MD) No.10550 of 2023

Date :21/06/2023

SS/BUC/22/06/2023/3P/6C