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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2023

PRESENT

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

CRL OP(MD). No.10478 of 2023

Manikandan

... Petitioner/Accused No.1

Vs

State represented by,
The Station Housing Officer,
Kovilpatti West Police Station,
Tuticorin District.
Crime No.337 of 2022.

... Respondent/Complainant

For Petitioner : M/s.R.Venkatesan, Advocate.
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.337 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 11.05.2023 for the offences punishable under Section 8(c) r/w 20(b)(ii)(B) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act in Crime No.337 of 2022 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner was originally granted bail in Crime No.337 of 2022 and appeared before the Principal Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai regularly without fail and subsequently, failed to appear before the trial Court on 10.04.2023. Therefore, Non-Bailable Warrant was issued against the petitioner. In order to execute the Non-Bailable Warrant, the petitioner was arrested and remanded to judicial custody on 11.05.2023. The petitioner was found in possession of 1.250 kgs of Ganja.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

<https://www.mhponline.in/judis>



4. Taking into consideration of the facts and submissions made by the learned counsel on either side, 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 Principal Special Court for Narcotic Drugs and Psychotropic Substances 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 petitioner shall report before the trial Court daily, on all working days, 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/-

14/06/2023

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15/06/2023

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

PS

TO

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES ACT CASES, MADURAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.



3 THE STATION HOUSING OFFICER, KOVILPATTI WEST POLICE STATION,
TUTICORIN DISTRICT.

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

+1CC TO Mr.R.VENKATESAN, Advocate IN SR.No.8764 DATED 15/06/2023

ORDER

IN

CRL OP(MD) No.10478 of 2023

Date :14/06/2023

SS/MMS/SAR-(15.06.2023) 3P 6C