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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/06/2023

PRESENT

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

CRL OP(MD). No.11341 of 2023

Mammudhu @ Muhamed Maideen

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Nib Cid, Thoothukudi
(Crime No.14 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Rajan R,
Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in CC.No.41 of 2023 on the file of the Special Court for Trial of Cases under the EC and NDPS Act, Madurai pending trial

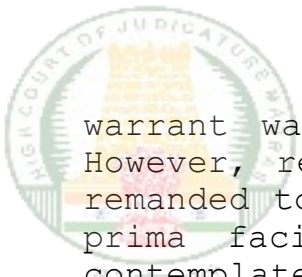
ORDER : The Court made the following order :-

The petitioner /Accused, who was arrested and remanded to judicial custody on 05.06.2023 for the offence under sections 8(c), 20(b) (ii) (C), 29 and 25 of the NDPS Act, in Crime No.14 of 2022 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the p accused persons were found in illegal possession of 437 kgs of ganja.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that there are two accused, in which, the petitioner is arrayed as A2. The petitioner has been implicated as accused only on the confession of A1. According to the case of the prosecution, the first accused found in possession of 437 Kgs of Ganja. Except the confession statement, no other material is available to connect the petitioner as accused along with the first accused. That apart, as against the petitioner, non bailable



warrant was issued and on direction, the petitioner surrendered. However, recall petition was dismissed and as such, the petitioner remanded to judicial custody. Therefore, the petitioner make out a prima facie case in order to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act.

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5. Considering the above facts and circumstances, of the case 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 sureties each for a like sum to the satisfaction of the learned Special Court for trial of Cases under EC & NDPS 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 at 10.30 A.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/-
30/06/2023

/ TRUE COPY /

30/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

<https://www.mhc.tn.gov.in/judis>

1 THE SPECIAL JUDGE FOR TRIAL OF
CASES UNDER EC & NDPS ACT CASES, MADURAI.



2 THE INSPECTOR OF POLICE
NIB CID, THOOTHUKUDI

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.R.RAJAN, Advocate (SR-9969[I] dated 30/06/2023)

ORDER

IN

CRL OP (MD) No.11341 of 2023

Date :30/06/2023

SS/30/06/2023/3P/6C