



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/06/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.11776 of 2023

1. Pandi,

2. Thavasi,

... Petitioners/Accused No.2 & 3

Vs

The state rep.by
The Inspector of Police,
NIB-CID,
Dindigul District.

(Crime No.125 to 129 of 1999)

... Respondent/Complainant

For Petitioners : M/s.Senthil Kumar 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 Petitioners on bail in connection with the CC.No.112 of 2009 on the file of the Learned I-Additional Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai in Cr.No.125 to 129 of 1999.

ORDER : The Court made the following order :-

The petitioners /Accused, who was arrested and remanded to judicial custody on 13.04.2023 for the offence under sections 8(b) r/w. 20(a) (i) and 8(c) r/w. 20(b) (i) of the NDPS Act, 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 70 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 five accused, in which, the petitioners are arrayed as A2 and A3. According to the case of the prosecution, they cultivated Ganja nearly 70 Kgs of Ganja. The Crime of the year 1999, after completion of the investigation, final report was filed in the year 2009. The petitioners were issued non bailable warrant and on directions issued by this Court, they surrendered and obtained bail. Thereafter, they disappeared. Only on 13.04.2023, they were arrested and remanded to judicial custody, in order to execute the non bailable warrant, A1 is still absconding and the trial is yet to begin. Sofar, the petitioner involved no other cases.

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 petitioners, subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned I Additional Special Court for trial of 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 petitioners shall report before the trial Court daily at 10.30 A.M., until further orders.

[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners 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 petitioners 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/-

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30/06/2023

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

LS

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TO

1. THE I ADDITIONAL SPECIAL COURT FOR TRIAL OF NDPS ACT CASES,
MADURAI.

2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3. THE INSPECTOR OF POLICE,
NIB-CID, DINDIGUL DISTRICT.

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

+1. CC TO M/S.SENTHIL KUMAR R ADVOCATE SR.NO.9966.

ORDER

IN

CRL OP(MD) No.11776 of 2023

Date :30/06/2023

SI/ / (30.06.2023) 3P/ 6C