



CRL OP(MD). No.15731 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15731 of 2023

Muruganantham @ Satti,

... Petitioner/ Accused No.4

Vs

State represented through
The Inspector of Police,
Thiruppalai Police Station,
Madurai City.
(In Crime No.168 of 2022).

... Respondent/Complainant

For Petitioner : Mr.Thamotharakannan.C,Advocate.

For Respondent : Mr.B.Nambiselvan,

Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in C.C No. 81 of 2023 in Crime No. 168 of 2022 on the file of the Learned Principal Special court for Trial of Narcotic Drugs and Psychotropic Substance Act Case, Madurai and pass such further or other orders.

ORDER : The Court made the following order :-



CRL OP(MD). No.15731 of 2023

WEB COPY

The petitioner/A4 who was arrested and remanded to judicial custody on 04.08.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(c), 25, 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985 & 25(1)(1) of Arms Act in Crime No.168 of 2022 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on 04.08.2022 the defacto complainant who is the Inspector of Police, received information that the petitioner and others were trafficking ganja from Andhra Pradesh. Based on secret information and after getting permission from the Tallakulam Assistant Commissioner, on 04.08.2022, at about 10.30 a.m., the defacto complainant rushed to the spot with police personnel and they intercepted the motor cycle bearing registration No.T-59-CP-0056 Yamaha Ray ZR 125 and at that time A1 tried to flee away from the scene of occurrence but he was caught by the respondent police and found in possession of 10kgs of ganja plant with leaves, flower and seeds in a sack bag. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. He would further submit that based on the confession of A1, the petitioner/A4 was implicated in the FIR and he is no way connected with the said occurrence. Already co-accused were granted bail before this Court. Hence, he seeks bail.



CRL OP(MD). No.15731 of 2023

WEB COPY

4. The learned Additional Public Prosecutor would submit that the contraband was recovered from A1. Based on the confession of A1, the petitioner was implicated as accused. Already co-accused were released on bail. Investigation was completed and the chargesheet was also filed in C.C.No.81 of 2023 on the file of the Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai. Hence he strongly objected to grant bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that the co-accused were released on bail and also considering that investigation was completed and charge sheet was filed, I am 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 Judge, Principal Special court for Trial of Narcotic Drugs and Psychotropic Substance Act Case, Madurai and on further conditions that:

[b] the petitioner shall report before the Principal Special court for Trial of Narcotic Drugs and Psychotropic Substance Act Case, Madurai daily at 10.00 A.M. until further orders.



CRL OP(MD). No.15731 of 2023

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

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

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

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/08/2023

/ TRUE COPY /

30/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MRN
TO

1 THE JUDGE
PRINCIPAL SPECIAL COURT FOR TRIAL OF
NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCE
ACT CASE, MADURAI.

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



CRL OP(MD). No.15731 of 2023

WEB COPY

- 2 THE INSPECTOR OF POLICE
THIRUPPALAI POLICE STATION, MADURAI CITY.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.15731 of 2023

Date :30/08/2023

PKP/SAR- /30.08.2023/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023