



CRL OP(MD). No.17438 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Thirunavukarasu

... Petitioner/Single Accused

Vs

The State represented by
The Inspector of Police,
Thiruverumbur Police Station,
Trichy District,
Crime No.408/2023.

... Respondent/Complainant

For Petitioner : M/s.Kayvin Prince.S.B,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.408/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused, was arrested and remanded to



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judicial custody on 12.09.2023 for the alleged offence punishable under Sections 8(c) r/w. 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is said to have illegally found in possession of 12.86 grams of Psychotropic substances. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the petitioner was taken by the respondent police from his house on 09.09.2023 at about 19.20 hours to that effect he showed the CCTV footage recorded in his house. Though the petitioner was taken by the respondent police on 09.09.2023 he was arrested only on 12.09.2023 and the recovered psychotropic substances is only a intermediate quantity of 12.86 gms of Methamphetamine and hence, seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner was arrested by the respondent police on



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12.09.2023 and on a reliable information, they have recovered 12.86 gms of Methamphetamine from the petitioner. He further contended that the petitioner is not having any previous case. He would further submit that since the investigation of the case is pending even though it is a intermediate quantity, he should not be released on bail.

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

6. On reading of the First Information Report it is seen that the petitioner was arrested by the respondent police only on 12.09.2023 and thereafter, remanded to judicial custody. I have considered the fact that the petitioner was taken by the police on 09.09.2023 at 19.20 hours and there was three days gape in between the petitioner taken from the police and arrested on 12.09.2023 and further, the quantity seized from the petitioner is not a commercial quantity and that the petitioner is not having any pervious case, this Court inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District



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and Sessions Judge / Presiding Officer Special Court for E.C and NDPS Act Cases,

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Pudukkottai, and on further conditions that:

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall appear before respondent police once in a week i.e., on every Monday at 10.30 am until further orders;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned 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].



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vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/10/2023

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05/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE/PRESIDING OFFICER
SPECIAL COURT FOR EC AND NDPS ACT CASES,
PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE
THIRUVERUMBUR POLICE STATION,
TRICHY DISTRICT
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17438 of 2023
Date :05/10/2023

SS/05/10/2023/5P/5C

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