



CRL OP(MD). No.18012 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Seeni Haja Mohammed

... Petitioner/ Accused No.14

Vs

The State Rep.by
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District
Crime No. 625 of 2022.

... Respondent/ Complainant

For Petitioner : Mr.V.Kathirvelu
Senior Counsel for Mr.N.Sekar, Advocate

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 625 of 2022 on the file of the respondent police.



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WJMSOPH
ORDER : The Court made the following order :-

The petitioner/A14, who was arrested and remanded to judicial custody on 19.07.2023 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 29(1) and 25 of NDPS Act, 1985, in Crime No.625 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.10.2022, on the secret information, the police personnel conducted patrolling in Trichy to Dindigul road. At 04.00 a.m, they were stopped two cars bearing Reg.No.TN-72-DF-7616 and TN-72-DF-3510, wherein, the accused Nos.1 to 4 were sat. When the police enquired, A4 escaped from the occurrence. Thereafter, the police personnel found 10 bags in each car and confirmed the contraband placed in the gunny bags is Ganja of 440 kg. Based on the confession of A1 and A2, A4 to A13 were implicated. In the confession, A1 and A2 have stated that A5 and A6 were given a car bearing Reg.No.TN-72-DF-7616 to the A2 and A4 and another car bearing Reg.No.TN-72-DF-3510 to the A1 and A3. The above said cars were used to purchase the Ganja from A7 to A12 at Andhra and the same were given to A13. Thereafter, on 19.07.2023, again based on the secret information, the respondent police conducted patrolling in Madurai to Dindigul



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byepass road. At that time, the respondent police stopped a car bearing Reg.No.TN-59-CE-8629. A4, A6, A14 and this petitioner were inside the car and they confessed that they were involved in the case in Crime No.625 of 2022. Based on the confession of A6, Kodiswaran, the petitioner has been implicated as A14. Hence, the case.

3.The learned Senior Counsel appearing for the petitioner would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that on 19.07.2023, when the petitioner was arrested, no contraband was seized from the car. Further, there is no material available to the prosecution to show that the petitioner is conspired with the occurrence happened on 17.10.2022. Hence, he prays for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that based on the confession of A6, the petitioner has been implicated as A14. A6 confessed that he arranged the vehicle for transporting the contraband on the request of the petitioner/A14. He would further submit that in this case, totally 440 kg of Ganjas have been recovered. Hence, he strongly opposed to grant bail to the petitioner.



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

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6. According to the prosecution, on 17.10.2022, the respondent police intercepted two cars and seized 440 kgs of Ganja. A1 to A3 were given confession. Based on the said confession, A4 to A13 were implicated. Further, on 19.07.2023, the petitioner was arrested on the ground that he accompanied with the other accused, namely, A4, A6 and A13 in a car on the same day. According to the prosecution, based on the confession of A6, the petitioner has been implicated as A14. A6 informed that he arranged the vehicle for transporting the contraband on the request of the petitioner/A14. However, there is no material to show that this petitioner has transported the contraband and handed over to the other accused persons. Further, when the petitioner was arrested on 19.07.2023, no contraband was seized and there is no material to show that the petitioner accompanied with the other accused persons. Further, the petitioner is in custody from 19.07.2023. Therefore, considering the facts and circumstances and also considering the period of incarceration and taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

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



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(i) 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 Principal Special Judge, EC and NDPS Act Cases, Madurai and on further conditions that:

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

(iii) the petitioner shall appear before the respondent police once in 15 days until further orders.

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

(v) the petitioner shall not abscond during trial.

(vi) On breach of any of the aforesaid conditions, the learned Judge/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 Judge/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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vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/11/2023

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22/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

skn

TO

1. The Principal Special Judge,
EC and NDPS Act Cases, Madurai
2. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District
3. The Inspector of Police,
Dindigul Taluk Police Station, Dindigul
District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.A.NARESH PRABU, Advocate (SR-16646[I] dated 22/11/2023)



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ORDER
IN
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Date :21/11/2023

RK(22/11/2023) 7P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.