



CRL OP(MD)No.19261 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.10.2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL

CRL OP(MD)No.19261 of 2023

1.Bharathi raja @ Bharathiraj

2.Suresh

:Petitioners/ A1 & A2

Vs

State rep. by
The Inspector of Police,
Devathanampatti Police Station,
Theni District.
Crime No.376 of 2023.

: Respondent/Complainant

For Petitioner : Mr.C.Venkatesh, Advocate

For Respondent : Mr.A. Thiruvadikumar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.376 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioners/ A1 & A2, who were arrested and remanded to judicial custody on 02.10.2023 for the alleged offence under Sections 8(c), r/w 20(b)(ii)(B) of NDPS Act 1985 (61 of 1985), in Crime No.376 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 02.10.2023, the petitioners/accused were found in possession of 2 Kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioners submitted that petitioners are innocents and they did not commit any offence as alleged by the prosecution. He further submitted that they are ready and willing to abide any conditions imposed by this Court.

4.The learned Additional Public Prosecutor submitted that totally there are three accused in this case. The petitioners herein are arrayed as A1 and A2. He further submitted that the first petitioner has one previous case for similar offence in Crime No.134 of 2023 on the file of the Anupparpalayam Police Station, Tiruppur



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District and the second petitioner has no previous case.

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5. Heard on both sides. This Court has perused the records.

6. The 1st petitioner has one previous case. The second petitioner has no previous case. The petitioners are in judicial custody since 02.10.2023.

7. Considering the nature of the offence allegedly committed by the petitioners and the quantity of the contraband to reform themselves,, with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners with the following conditions.

8. Accordingly, this Criminal Original Petition is allowed subject to the following conditions.

(i) The petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the Principal Special Court for NDPS Act, Madurai;

(ii) The petitioners shall appear and sign before the respondent police daily at



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10.30 a.m. until further orders;

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(iii) The petitioners shall not tamper the evidence; and

(iv) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

sd/-
26/10/2023

/ TRUE COPY /

27/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das
TO

1.The Principal Special Court for NDPS Act Cases,
Madurai.

2.The Officer Incharge
Sub Jail, Kanavilakku, Theni.

3.The Inspector of Police,
Devathanampatti Police Station,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,

Madurai.

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



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+1. CC to C.VENKATESH Advocate SR.No.15605

ORDER
IN
CRL OP(MD) No.19261 of 2023
Date :26/10/2023

SSA/27.10.2023/5P/6C

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