



CRL OP(MD) No.19369 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM
CRL OP(MD)No.19369 of 2023

1.R.S.Babu @ R.S.Mohan Babu
2.Manikandan

... Petitioners/ Accused No. 1 & 2

Vs

The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.
Cr.No.487 of 2023

... Respondent/ Complainant

For Petitioners : Mr.G.Karuppasamypandiyan

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

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

PRAYER :-

For Bail in Crime no.487 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on



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04.10.2023 for the alleged offence punishable under Sections 8(c) r/w 20(b) (ii)(B) of

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NDPS Act in Crime No.487 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that when the respondent police conducted vehicle check-up, they found that the petitioners were in illegal possession of 5.400 kg of ganja. Hence the case.

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in custody from 04.10.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners were found in illegal possession of 5.400 kg of ganja, which is intermediate quantity. He would further submit that the petitioners are not having similar type of previous case, however, they have previous cases of IPC offences.

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



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6.Considering the fact the contraband seized from the accused is only intermediate quantity and there is no similar type of previous cases pending as against the petitioners and also considering the period of incarceration and also 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 petitioners, subject to the following conditions:

[i] 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 Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur and on further conditions that:

(ii) 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;

(iii) the petitioners shall appear before the trial Court once in 15 days at 10.30



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am., until further orders.

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

(v) the petitioners shall not abscond during trial.

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

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

sd/-
16/11/2023

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16 / 11 / 2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns



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TO
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1.The Additional District Judge/Presiding Officer,
Special Court under Essential Commodities Act,
Thanjavur.

2.The Superintendent, District Jail, Nagapattinam.

3.The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.

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

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-16382[I] dated
16/11/2023)

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AMS/16.11.2023 5P 6C

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