



CRL OP(MD)No.20620 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.12.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.20620 of 2023

P.Baskar

... Petitioner/ Accused No.2

Vs

The Sub-Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
(Crime No. 208 of 20223)

... Respondent/ Complainant

For Petitioner : Mr.A.B.Jeeva,Advocate

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.208 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 20.10.2023



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for the alleged offence punishable under Sections 8(c) and 20(b)(ii)(B) of NDPS Act, 1985 in Crime No.208 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on receiving secrete information, the respondent police went to the place of occurrence and on seeing them, the accused persons were tried to escape from the scene of occurrence. However, the respondent police secured A1 and A2 and they were found in illegal possession of 10 kgs of ganja. Hence, the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 20.10.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that on receiving secrete information, the respondent police went to the place of occurrence and on seeing them, the accused persons were tried to escape from the scene of occurrence. However, the respondent police secured A1 and A2 and they were found in illegal possession of 10 kgs of ganja. Hence, he strongly objected to grant bail to the petitioner. However, he fairly concedes that no previous case is pending against the petitioner.

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



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6.Considering the facts and circumstances and also taking into consideration 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 and the nature of the offence alleged as against the petitioner, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[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 Principal Special Court for E.C. and NDPS Act Cases, Madurai District 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 petitioner shall appear before the trial Court on summons.

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

(v) the petitioner shall not abscond during trial.



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vi) 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].

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

sd/-
08/12/2023

/ TRUE COPY /

08/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR
TO

- 1 THE PRINCIPAL SPECIAL JUDGE
SPECIAL COURT FOR E.C. AND NDPS ACT CASES,
MADURAI DISTRICT.
- 2 THE SUB INSPECTOR OF POLICE
UTHUMALAI POLICE STATION, TENKASI DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.20620 of 2023
Date :08/12/2023

PKP/08.12.2023/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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