



CRL OP(MD). No.20651 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Karuppusamy,

... Petitioner/ Accused-5

Vs

The State rep. by,
The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
(Crime No.389 of 2023).

... Respondent/Complainant

For Petitioner : Mr.P. Mahendran,
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.389 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on

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



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25.07.2023 for the alleged offence punishable under Section 8(c) r/w.20(b)(ii)(B) of NDPS Act in Crime No.389 of 2023, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the petitioner along with other accused alleged to have illegally possessed 1.150kgs 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 nothing has been recovered from this petitioner and he is in custody from 25.07.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner along with other accused alleged to have illegally possessed 1.150kgs of ganja, hence he objected to grant bail to the petitioner. However he fairly concedes that the investigation has been completed and final report has been filed before the NDPS Court, Thanjavur and the same was taken on file in C.C. No.175 of 2023



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5.Considering the facts and circumstances and also considering the fact that investigation has been completed and final report has been filed before the NDPS Court, Thanjavur and the same was taken on file in C.C. No.175 of 2023 and also considering the period of incarceration and also taking into consideration the quantity of contraband involved 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:

[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 Additional 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 petitioner shall appear before the respondent police daily at 10.30 am., until further orders.



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(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 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/-
20/11/2023

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20/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. The Additional Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur.
2. The Superintendent, Central Prison, Cuddalore.



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3. The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.

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

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-16501[I] dated 20/11/2023)

ORDER
IN
CRL OP(MD) No.20651 of 2023
Date :20/11/2023

SSA/20.11.2023/5P/6C

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