



CRL OP(MD)No.21359 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.21359 of 2023

(*)P.Selvaramar

... Petitioner/ Accused No.4

Vs

The State represented by
The Inspector of Police,
Town West Police Station,
Thanjavur District.
Cr.No.1260 of 2023

... Respondent/Complainant

For Petitioner : Mr.NA.Manimaran, 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.1260 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 04.10.2023

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



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for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii)(B) and 29(1) NDPS Act in Crime No.1260 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 04.10.2023, based on the secret information, the police party reached Thajavur Railway station near subway and enquired some suspicious persons. On search, it was found that the accused persons were in illegal possession of 15 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 04.10.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner and other accused were found in illegal possession of 15 kgs of ganja, which is intermediate quantity. He would further submit that the investigation in this case is completed and charge sheet also filed, which was taken on file in C.C.No.192 of 2023 by the learned II Additional District Judge for NDPS Act Cases, Thanjavur. He would also submit that there is no previous case pending as 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 also considering the fact that there is no previous case pending as against the petitioner 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 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 learned II Additional District Judge for NDPS Act Cases, 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 trial Court whenever the trial Court directed him to appear.

(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

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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/-

28/11/2023

(*)FOR BEING MENTIONED AS PER ORDER OF
THIS HON'BLE COURT DT.04/12/2023 IN
CRL.OP(MD).21359/2023.

/ TRUE COPY /

04/12/2023

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

GNS

TO

TO BE SUBSTITUTED WITH THE ORDER DT. 28/11/2023 ALREADEY
DESPATCHED

- 1 THE II ADDITIONAL DISTRICT
JUDGE FOR NDPS ACT CASES, THANJAVUR.
- 2 THE INSPECTOR OF POLICE
TOWN WEST POLICE STATION,
THANJAVUR DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.



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

+1 CC to M/s.NA.MANIMARAN, Advocate (SR-16945[I] dated 28/11/2023)

ORDER
IN
CRL OP(MD) No.21359 of 2023
Date :28/11/2023

SS/SAR- /28/11/2023/5P/6C

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PKP/04.12.2023/ 5P/ 6C