



CRL OP(MD)No.718 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD)No.718 of 2024

Vibin @ Pappi

... Petitioner/ Accused 1

Vs

The Inspector of Police,
Kadayalumoodu Police Station,
Kanyakumari District.
Cr.No.114 of 2020

... Respondent/ Complainant

For Petitioner : Mr.M.SANKAR, Advocate

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.114 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who is facing trial for the offences punishable under Sections 20(b)(ii)(c), 25, 8(c) of the Narcotics Drugs and Psychotropic Substances Act 1985 in C.C.No.316 of 2021 on the file of the District & Sessions Court for EC & NDPS Act Cases, Madurai in Crime No.114 of 2020 on the file of the respondent police,

seeks bail

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



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2.The case of the prosecution is that the petitioner and other accused illegally transported 28 kgs of ganja. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that due to ill-health, the petitioner was not in a position to appear before the trial Court and thereby, NBW came to be issued and he was arrested on 07.11.2023. He would further submit that the petitioner is ready to abide by any conditions and hence, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner was absent before the trial Court and hence, he was secured by executing NBW. Therefore, he vehemently opposed to grant bail to the petitioner.

5.Heard the learned counsel on either side.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner was arrested by executing NBW in the month of November 2023, however, trial is not yet completed, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing 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 District & Sessions Court for EC & NDPS Act



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Cases, Madurai and on further conditions that:

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(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the trial Court for each and every hearing dates, till the disposal of the main case, failing which, the bail granted by this Court shall stand vacated automatically;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]; and;



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(f)if the accused thereafter absconds, a fresh FIR can be registered

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under Section 229-A IPC.

sd/-

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/01/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

1 THE DISTRICT & SESSIONS JUDGE

FOR EC AND NDPS ACT CASES, MADURAI.

2 THE OFFICER INCHARGE, DISTRICT JAIL, VIRUDHUNAGAR.

3 THE INSPECTOR OF POLICE,

KADAYALUMOODU POLICE STATION, KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 cc to Mr.M.SANKAR, Advocate, SR.No.796 (I) DT.19/01/2024

ORDER IN

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Date :18/01/2024

SA/SAR. /18.01.2024/4P/6C

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