



CRL OP(MD). No.1574 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1574 of 2024

P.Kannan,

... Petitioner/ Accused No.2/ Accused No.2

Vs

The Inspector of Police,
NIB CID Theni Police Station,
Theni District.
Crime No.89/2017..

... Respondent/ Complainant/ Complainant

For Petitioner : Mr.S.Arokiyaselvaramesh, Advocate.

For Respondent : Mr.B.Nambiselvan,

Additional Public Prosecutor

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

PRAYER :-

To enlarge the Petitioner/ Accused No.2 on bail in CC No.14/2018 on the file of the Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai in Crime No.89/2017 pending investigation on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.2, who is facing trial for the offences punishable



CRL OP(MD). No.1574 of 2024

under Sections 8(C) r/w 20(b)(ii)(C), 25 of the NDPS Act in C.C.No.14/2018 on the file of the Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai in Crime No.89/2017 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have found in possession of 100 kgs of Ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the alleged contraband has been recovered only from the other accused persons and not from the petitioner herein. He would further submit that based on the confession statement of the other accused persons, the petitioner herein has been implicated in this case. He would further submit that the co-accused in this case have already been granted statutory bail by the trial Court. He would further submit that the petitioner was secured only after seven years. He would further submit that the petitioner is in judicial custody from 08.11.2023. He would further submit that the petitioner is ready to appear before the trial Court every day till the disposal of the case and hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police

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CRL OP(MD). No.1574 of 2024

would submit that the charge sheet has been filed at the relevant point of time and he would further submit that if bail is granted to the petitioner, the trial will not be proceed further. He would further submit that one previous case is pending against the petitioner and the said case is in IPC offence. Therefore, he vehemently opposes for grant of bail.

5. Considering the facts and circumstances of the case and considering the fact that the co-accused have already been granted statutory bail by the trial Court and considering the fact that the contraband has been recovered only from the other accused persons and not from the petitioner herein and considering the fact that the petitioner is ready to appear before the trial Court for every day till the disposal of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6. 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 learned Principal Special Judge for trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the

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CRL OP(MD). No.1574 of 2024

surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the concerned trial Court for every day till the disposal of the case in C.C.No.14 of 2018;

(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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/02/2024

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13/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.1574 of 2024

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TSG
TO

- 1 THE PRINCIPAL SPECIAL JUDGE
FOR TRIAL OF NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES ACT CASES, MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
NIB CID THENI POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.AROKIYA SELVA RAMESH, Advocate (SR-1770[I] dated
13/02/2024)

ORDER
IN
CRL OP(MD) No.1574 of 2024
Date :13/02/2024

PKP/13.02.2024/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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