



CRL OP(MD). No.1771 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Karthick Kannan @ Parthiban

... Petitioner/ Accused No.5

Vs

State represented by
The Inspector of Police,
Karur Town Police Station,
Karur District.
Crime No.597 of 2022

... Respondent/Complainant

For Petitioner : Mr.S.Abdul Rahuman,
Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in C.C.No.89 of 2023 on the file of the Special Court for E.C. and NDPS Act Cases, Pudukottai in Crime No.597 of 2022 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioner /accused No.5, who is facing trial for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(C), 25 and 29(1) of NDPS Act in C.C.No.89 of 2023 on the file of the learned Special Judge for E.C. and NDPS Act Cases, Pudukottai in Crime No.597 of 2022, seeks bail.

2. The case of the prosecution is that on 31.08.2022 at about 05.30 hours, based on the secret information, the respondent police conducted vehicle check up at Mochakottampalayam Bus stop in Karur, at that time, two persons came in a vehicle bearing Registration No.TN 49 AR 3276. On seeing the police, the accused persons turned the vehicle and tried to escape from the scene of occurrence. But, the respondent police surrounded them and on search, the respondent police found a polythene bag, under the two wheeler seat, which contains 1.100kgs of Ganja. After completing the procedure contemplated under the NDPS Act, the respondent police arrested the accused persons along with contraband and seized the vehicle. Subsequently, on the basis of confession statement, the respondent Police seized 20 kg ganja from the other accused persons including the petitioner. Hence, the case.

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



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alleged by the prosecution. He would further submit that after knowing the case falsely foisted against him, the petitioner voluntarily surrendered before the trial Court and thereafter only, the respondent Police arrested the petitioner and remanded him into judicial custody. He would further submit that the accused No.4 was already granted bail by the trial Court and the petitioner is A5. He would further submit that no recovery is made from the petitioner and hence, he prayed for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that inadvertently, the trial Court has granted bail to the accused No.4 and if the petitioner is enlarged on bail, he will abscond and tamper the witnesses. He would further submit that there is no previous case pending against the petitioner.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the fact that there is no previous case pending against the petitioner and that on perusal of confession statement, it reveals that no contraband was seized from the petitioner and considering the period of incarceration, 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 learned Special Judge for E.C. and NDPS Act



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Cases, Pudukottai , 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 is directed to appear before the concerned trial Court for every day till the disposal of the case in C.C.No.89 of 2023;

(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 under Section

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229-A IPC.

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07/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb
TO

1. The Special Judge for E.C. and NDPS Act Cases, Pudukottai.
2. The Superintendent,
Central Prison,
Trichy .
3. The Inspector of Police,
Karur Town Police Station,
Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.1771 of 2024
Date :07/02/2024

SSA//SAR-(07.02.2024) 5P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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