



CRL OP(MD). No.2014 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Gubendran,

... Petitioner/ Accused No.7

Vs

The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District,
Crime No.337/2022.

... Respondent/ Complainant

For Petitioner : Mr.J.WILLIAM CHRISTOPHER
Advocate.

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

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

PRAYER :- To grant bail to this petitioner in connection with C.C.No.428/2023 pending on the file of the learned Principal Special Court for Trial of NDPS Act cases, Madurai.

ORDER : The Court made the following order :-

The petitioner / Accused No.7, who is facing trial for the offence punishable under Sections 147, 148, 294(b), 353, 307 and 506 (ii) IPC and Section 25(1A) of Arms Act 1959 Sections 8(C) r/w Section 20 (b) (ii) (C) of the Narcotic Drugs and Psychotropic Substances Act in C.C.No.428/2023 pending on the file of the learned Principal Special Court for Trial of NDPS Act cases, Madurai in Crime No.337 of



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2022, seeks bail.

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2. The case of the prosecution is that the petitioner was found in illegal possession of 24.50 Kgs of Ganja and six aruvals. 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 alleged by the prosecution. He would further submit that the co-accused have already been granted bail by this Court in Crl.O.P.(MD).Nos.7595, 9171, 9424 and 11782 of 2023 on 27.04.2023, 01.06.2023, 21.06.2023 and 30.06.2023 respectively. 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 bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that totally, there are six previous cases pending against the petitioner. He would further submit that the contraband and six aruvals have been recovered from the petitioner herein and accordingly, he prays for dismissal of this petition.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner has voluntarily come forward to co-operate with the trial and also 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 and also considering the fact that already co-



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accused have been granted bail by this Court and considering the fact that the twin conditions as contemplated under Section 37 of the NDPS Act is satisfied by the petitioner before this Court, 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 Court for Trial of NDPS Act Cases, Madurai and on further conditions that:

(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.428 of 2023, failing which, the bail granted by this Court shall stand automatically cancelled;

(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;



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(e) after the seizure procedure is over, the concerned Magistrate and the respondent Police are directed to comply with the guidelines enumerated under section 52(A) of NDPS Act and as per the guidelines issued by the Hon'ble Supreme Court of India in the case of Union of India Vs. Mohanlal and Another ((2016) 3 SCC 379).

(f) 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;

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

sd/-
20/02/2024

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20/02/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO
1 THE PRINCIPAL SPECIAL JUDGE
FOR TRIAL OF NDPS ACT CASES, MADURAI.



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2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.J.WILLIAM CHRISTOPHER, Advocate (SR-2139[I] dated 20/02/2024)

ORDER
IN
CRL OP(MD) No.2014 of 2024
Date :20/02/2024

SA/SAR. /20.02.2024/5P/6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.