



CRL OP(MD). No.2033 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Kaviyarasan @ Siva

... Petitioner/Accused No.1

Vs

**The Inspector of Police,
Thanjavur Town West Police Station,
Thanjavur District.
In Crime No.7 of 2024.**

... Respondent/Complainant

**For Petitioner : Mr.R.L.Dhilipan Pandian,
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.7 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/Accused, who was arrested and remanded to judicial custody on 03.01.2024 for the offences punishable under Sections 8(C), 20(b)(ii)(B) of NDPS Act, 1985 in Crime No.7 of 2024, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.01.2024 at about 12.00 p.m., the petitioner and other accused person were found in illegal joint possession of Ganja of 1 kilo 150 grams in his two wheeler. The above said contraband and the vehicle were seized by the respondent Police. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution and the false case has been foisted against the petitioner. Further, the contraband seized from the petitioner is not commercial quantity. He would further submit that the petitioner is in judicial custody from 03.01.2024. Hence, he prays for grant bail to the petitioner.



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4.The learned Additional Public Prosecutor appearing for the respondent would submit that contraband of 1.150 grams was seized from the petitioner and it is not commercial quantity. Further, one previous case is pending against the petitioner. Hence, he vehemently objected to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner and the contraband seized from the petitioner is not commercial quantity, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is ordered and 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 Cases, Thanjavur, Thanjavur District, and on further



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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 respondent police daily at 10.30 a.m., until further orders;

(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 229-A IPC.

(M D I J)
14.02.2024

Indu

TO

1. The Special Court for E.C. And NDPS Act Cases,
Thanjavur, Thanjavur District.
2. Do-Through The Chief Judicial Magistrate,
Thanjavur District.
3. The Superintendent,
District Prison, Thanjavur.
4. The Inspector of Police,
Thanjavur Town West Police Station,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J

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ORDER
IN
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