



CRL OP(MD). No.2129 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Surya Prakash

... Petitioner/3rd Accused

Vs.

The Inspector of Police,
Thadicombu Police Station,
Dindigul District.
In Crime No.281 of 2019.

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi,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.1 of 2020, pending on the file of the I Additional Special Court for Trial of NDPS Act Cases, Madurai.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody



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on 18.12.2023 for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(C), 25 of NDPS Act in Crime No.281 of 2019, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused persons were found in illegal possession of 24 kgs of Ganja. Hence, the case in Crime No.281 of 2019 was registered by the respondent Police and the petitioner was arrested and remanded to judicial custody. Thereafter, he enlarged on bail and subsequently the Law Enforcing Authority, after completing the investigation, a Charge Sheet was filed before the I Additional Special Court for Trial of NDPS Act Cases, Madurai in C.C.No.1 of 2020. Due to non-appearance of the petitioner, the trial Court issued non-bailable warrant, pursuant to which, the petitioner was arrested and remanded to judicial custody on 18.12.2023.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 18.12.2023. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent, on earlier occasion, objected to grant bail to the petitioner on the ground that the first accused, who is father of the petitioner is not secured, hence, the trial is pending. But

now, the father of the petitioner/first accused was secured in some other case, hence



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there is no hindrance in completing the trial and the case is posted for questioning under Section 313 of Cr.P.C. Hence, he has no objection 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, 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 I Additional 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 Court daily at 10.30 a.m., till conclusion of the trial;

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



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

(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/-
25/03/2024

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25 /03/2024
Sub-Assistant Registrar (PA-II.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO
WEB COPY

- 1 THE I ADDITIONAL SPECIAL JUDGE
FOR TRIAL OF NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
THADICOMBU POLICE STATION,
DINDIGUL
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-3642[I] dated 25/03/2024)

ORDER
IN
CRL OP(MD) No.2129 of 2024
Date :25/03/2024

PKP/25.03.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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