



CRL OP(MD). No.2821 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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P.Chinnaraj

... Petitioner/ Accused No.5

Vs

The Inspector of Police,
NIBCID Police Station,
Thoothukudi District.
In Crime No.14 of 2022.

... Respondent/Complainant

For Petitioner : Mr.M.Jagadeesh 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.14 of 2022 on the file of the respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/A5, who is facing trial for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(i) of NDPS Act in C.C.No.41 of 2023 on the file of the Principal District and Sessions Judge for E.C. & NDPS Act Cases, Madurai, in Crime No.14 of 2022 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 16.07.2022 at about 12.00 hours, based on the secret information, the respondent police conducted raid on Thoothukudi to Madurai Main Road near at Pudhur Pandiyapuram Check Post, Bharath Petroleum, at that time, the respondent Police intercepted the vehicles bearing Registration No.TN-84-M-4213 Eicher and TN-19-F-5555 red colour Volkswagen. On seeing the Police party, the accused persons escaped from the place. Thereafter, the respondent police nabbed the petitioner and other accused and enquired them. On enquiry, they found that the petitioner and other accused were in joint possession of contraband weighing 437kgs of Ganja. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and based on the confession



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statement of the co-accused, he was implicated in this case. He would further submit that the petitioner was not available in the scene of occurrence and he is in judicial custody since 05.09.2022. Further, the second accused was enlarged on bail in CrI.O.P (MD) No.11341 of 2023, dated 30.03.2023 and except this case, no previous case is pending against this petitioner. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the owner of the vehicle and with consent of this petitioner, the other accused persons tried to transport the Ganja to Srilanka. Further he would fairly submitted that the second accused was enlarged on bail by this Court, vide order, dated 30.06.2023. The first application for bail in CrI.O.P.(MD) No.8860 of 2023 was dismissed as withdrawn on 15.06.2023 and the second application was dismissed by this Court, vide order, dated 02.01.2024, this is the third bail application filed by the petitioner. There is no change of circumstances. Hence, he vehemently opposed to grant bail to the petitioner.

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



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6. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner and co-accused was enlarged on bail by this Court and Charge Sheet is filed after completing the investigation, 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 Court for EC & 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 on each and every hearing date without fail;

(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/-
23/02/2024

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23/02/2024
Sub-Assistant Registrar (CS- I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu

TO

1.The Special Court for E.C. & NDPS Act Cases,
Madurai.

<https://www.mhc.tn.gov.in/judis>



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2.The Superintendent,
Central Jail, Tirunelveli.

3.The Inspector of Police,
NIBCID Police Station,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.2821 of 2024

Date :23/02/2024

RK(23/02/2024) 6P / 5C

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