



CRL OP(MD)No.2344 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.02.2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Virumandi

... Petitioner/ Accused No.2

Vs

State represented by
The Inspector of Police,
Checkanoorani Police Station,
Madurai District.
(Crime No.95 of 2020)

... Respondent/ Complainant

For Petitioner : Mr.R.Venkateswaran, 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.95 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / A2, who was arrested and remanded to judicial custody on

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



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04.12.2023 for the alleged offence punishable under Sections 8(C) r/w 20(b)(ii)(C), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act in Crime No.95 of 2020, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 17.02.2020, at about 04.30 pm., based on the secret information, conducted search on the two bikes and found that the accused persons were in illegal possession of 27 kgs of ganja. Due to non-appearance before the trial Court, NBW was issued. Subsequently the petitioner was arrested. Hence, the petition.

3.The learned counsel appearing for the petitioner would submit that due to non-appearance of the petitioner, the trial Court issued NBW and thereby, the petitioner was arrested. He would further submit that the contraband was recovered only from A1 and now, the petitioner is ready to appear before the trial Court without fail. Hence, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that if the bail is granted to the petitioner, the trail of the case will be affected. Therefore, he strongly opposed to grant bail to the petitioner.



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5.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.

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 Principal Special Court for EC and 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 trial Court on each and every date of hearing till the disposal of the criminal case;

(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)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;

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

sd/-
21/02/2024

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21/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns
TO

1.The Principal Special Judge,
for EC and NDPS Act Cases,

Madurai

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



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2.The Superintendent, Central Prison, Madurai.

3.The Inspector of Police,
Checkanoorani Police Station,
Madurai District.

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

+1 CC to M/s.R.VENKATESWARAN, Advocate (SR-2193[I] dated 21/02/2024)

ORDER
IN
CRL OP(MD) No.2344 of 2024
Date :21/02/2024

SSA//SAR-(21.02.2024) 5P 6C

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