



CRL OP(MD). No.2523 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2523 of 2024

Karthick

... Petitioner/ Accused No.5

Vs

The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
In Crime No.272 of 2023.

... Respondent/Complainant

For Petitioner : Mr.R.Anand, Advocate,
for Mr.P.T.Ramesh Raja, 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.272 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on



CRL OP(MD). No.2523 of 2024

02.02.2024 for the offence punishable under Sections 8(c), 20(b)(ii)(c) and 25 of NDPS

WEB COPY

Act @ Sections 8(c), 20(b)(ii)(c) and 25 of NDPS Act and Section 212 and 120(b) of IPC, in Crime No.272 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the defacto complainant, who is working as VAO along with the Revenue Inspector have found a Bolero Pickup vehicle bearing Registration No.TN 38 BZ 3420, which was parked in a Government poramboke land suspiciously. The vehicle was loaded with goods packed in three gunny bags and empty plastic containers used for transporting fish. On inspection, it was found that 105 Kg of ganja in three gunny bags. 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 offence as alleged by the prosecution. Further, no one was arrested with the possession of ganja. The petitioner is working as General Manager in a reputed solar power company at Tiruppur. The third accused has given a confession statement that the petitioner is his brother-in-law and after informing him about his involvement in this case, he assured the third accused to spread away from the occurrence place and make asylum to him and he will find job to him at Tiruppur. He is not part of the



CRL OP(MD). No.2523 of 2024

transportation of contraband. Further, the petitioner is in judicial custody since 02.02.2024. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that initially the respondent Police secured the fourth accused and based on his confession statement, third accused was arrested. On confession statement of the third accused, this petitioner has been implicated. The vehicle seized by the respondent Police is stand in the name of the first and second accused and the third accused is a friend of them. Though no recovery from the petitioner, call details were collected between the A3 and A5. As per section 25 of NDPS Act, giving asylum to the accused persons is a heinous offence. 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 and also considering the fact that this petitioner is a brother-in-law of the third accused and alleged that he assured the third accused for making asylum and finding job to him at Tiruppur,



CRL OP(MD). No.2523 of 2024

however, third accused was secured before asylum and no previous case is pending against the petitioner and there is no serious allegation made against 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 learned Additional District and Sessions Judge/Presiding Officer, Special Court for E.C & NDPS Act Cases, Pudukkottai, 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 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;



CRL OP(MD). No.2523 of 2024

WEB COPY

(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/-
07/03/2024

/ TRUE COPY /

07/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU



CRL OP(MD). No.2523 of 2024

TO

- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE/PRESIDING OFFICER,
SPECIAL COURT FOR EC AND NDPS ACT CASES,
PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-2889[I] dated 07/03/2024)

ORDER
IN

CRL OP(MD) No.2523 of 2024

Date :07/03/2024

SS/SAR- /07/03/2024/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023