



Crl.O.P.(MD)No.2899 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Date : 08/03/2024

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD). Nos.2899 and 3731 of 2024**

Jubin Binu

**... Petitioner/ Accused No.1
in Crl.O.P.(MD)No.2899 of 2024**

Joyal Jose

**... Petitioner/ 2nd Accused
in Crl.O.P.(MD)No.3731 of 2024**

Vs

**The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
Crime No. 366 of 2023.**

**... Respondent/ Complainant
in Crl.O.P.(MD)No.2899 of 2024**

**...Respondent/ Defacto Complainant
in Crl.O.P.(MD)No.3731 of 2024**

For Petitioner (in Crl.O.P.(MD)No.2899 of 2024)

**: Mr.Kathirvelu
Senior Counsel
for Mr.K.Prabhu
Advocate.**

For Petitioner (in Crl.O.P.(MD)No.3731 of 2024)

**: M/s.S.Vadavalli
Advocate.**

For Respondent (in both petitions)

**: Mr.B.Nambi Selvan,
Additional Public Prosecutor**



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PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

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COMMON PRAYER :-

For Bail in Crime No. 366 of 2023 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioner/ A1 was arrested and remanded to judicial custody on 23.12.2023 and the petitioner/ A2, was arrested and remanded to judicial custody on 23.11.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(A), 22(c) and 29(1) of NDPS Act, in Crime No.366 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 23.12.2023 at about 10.30 a.m., based on the secret information, the respondent police went to the spot near Mannavanur Kaikatti Junction, Kodaikanal and they intercepted the accused persons standing in that place. On seeing the police party, the accused tried to escape from the spot and the police party surrounded the accused and recovered 10 stamps containing 10mlg from A1 and 200 grams of Ganja from A2. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioners did not commit any offence as alleged by the prosecution. In fact the



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petitioners' native place is Kerala and they are studying in Karnataka and he visited the tourist place. Thereby, the respondent police registered a criminal case against them and even as per the counter affidavit filed by the learned Additional Public Prosecutor, the seized quantity is lesser than the commercial quantity but greater than the small quantity. Hence, he prayed for grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that no previous case is pending against the petitioners. However, the seized quantity is lesser than the commercial quantity but greater than the small quantity and hence, he strongly opposed to grant bail to the petitioners.

5.Considering the facts and circumstances of the case and even as per the prosecution, no previous case is pending against the petitioners and the petitioners are in incarceration for more than three months and the seized quantity is lesser than the commercial quantity but greater than the small quantity and the petitioners are satisfied the twin conditions as required under Section 37 of the NDPS Act, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

6.Accordingly, this Criminal Original Petition is ordered and the petitioners are



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ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Principal Special Court for Narcotic Drugs and Psychotropic Substances 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 petitioners are directed to appear before the respondent police daily at 10.30 a.m., until further orders;

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

(d) the petitioners 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 petitioners in accordance with



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law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/03/2024

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08/03/2024
Sub-Assistant Registrar (CO)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Principal Special Court for Narcotic
Drugs and Psychotropic Substances Act Cases, Madurai.
2. The Superintendent, Central Prison, Dindigul.
3. The Inspector of Police,
Kodaikanal Police Station, Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.JEYAMOHAN, Advocate (SR-2969[I] dated 08/03/2024)



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+1 cc to MR.A.HAJA MOHIDEEN, Advocate SR NO.10688 (F) DATED 08.03.2024

**ORDER
IN
CRL OP(MD) Nos.2899 and 3731 of 2024
Date :08/03/2024**

RK (08/03/2024) 6P / 7C

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