



CRL OP(MD).No.2901 of 2024

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

Date : 26/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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M.Ragunathan @ Ragu

... Petitioner / Accused No.2

Vs

The Inspector of Police,
Town West Police Station,
Thanjavur District.
(Crime No.294 of 2023)

... Respondent/Complainant

For Petitioner : Mr.N.A.Manimaran, Advocate.
For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER :-

To release the petitioner/accused No.7 on bail in C.C.No.166 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is facing trial for the offence punishable under Sections 8
(c) r/w. Sections 20(b)(ii)(c), 29(ii)(A) and 25 of NDPS Act in C.C.No.166 of 2023 on



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the file of the learned II Additional District and Sessions Judge for EC and NDPS Act Cases, Thanjavur, in Crime No.294 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 06.03.2023, the respondent police intercepted the Lorry bearing Reg.No.TN-76-AV-5563 and found that the accused were in illegal possession of 280 Kgs of Ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submitted that initially, the petitioner was arrayed as A2, since the petitioner was working as cleaner along with the first accused/driver and subsequently, he was arrayed as A7. He further submitted that this Court has granted bail to the co-accused in Crl.O.P(MD).No.16800 of 2023 dated 19.09.2023. Hence, he prayed for bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that initially, the petitioner was arrayed as A2 and after investigation, he was arrayed as A7. He further submitted that this Court has granted bail to the co-accused in Crl.O.P(MD).No.16800 of 2023 dated 19.09.2023, on the ground that he is not having any previous cases. He further submitted that the respondent police conducted the investigation and also filed the charge sheet before the concerned



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Court and the same was taken on file in C.C.No.166 of 2023. He further submitted that no previous case is pending against the petitioner and also submitted that commercial quantity of contrabanned was involved in this case. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel on either side.

6. In this case, the petitioner was working as a cleaner and the commercial quantity of contraband was seized from the driver in which the petitioner is working as cleaner, which is not in dispute and initially, the petitioner was arrayed as A2 and after completing the investigation, the petitioner was arrayed as A7 and the reason for modification of the accused rank was not disclosed in the charge sheet. Admittedly, the contraband was purchased from Andrapadesh and the same was seized from the driver along with the petitioner and the co-accused/A6 has satisfied the twin conditions as required under Section 37 of the NDPS Act and no previous case is pending against the petitioner/A7, based on which, this Court has enlarged the A6/co-accused on bail.

7. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner and that the A6/co-accused person have been granted bail by this Court, this court is inclined to grant bail to the petitioner/A7, subject to the following conditions:



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8. 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 learned II Additional Principal Special Judge for EC & NDPS Act Cases, Thanjavur, 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 trial Court on every hearing dates 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;

(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;



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(f)if the accused thereafter absconds, a fresh FIR can be registered

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under Section 229-A IPC.

sd/-

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Sub-Assistant Registrar

(C.S. I / II / III /IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

To

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

2.The Inspector of Police,
Town West Police Station,
Thanjavur District.

3.The Superintendent,
Central Prison,
Trichy.

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

+1 CC to M/s.NA.MANI MARAN, Advocate (SR-2361[I] dated 26/02/2024)

ORDER

IN

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Date :26/02/2024



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ED/ /SAR- (26/02/2024) 6P / 6C

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