



CRL OP(MD). No.3111 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Kumar @ Kadavul Kumar,

... Petitioner/ Accused No.4

Vs

**The Inspector of Police,
Karimedu Police Station,
Madurai District.
Cr.No.904/2023.**

... Respondent/ Complainant

For Petitioner : Mr.Anand R.,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. 904/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.4, who was arrested and remanded to judicial



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custody on 31.01.2024 for the offence punishable under Sections 8(C) r/w Section 20 (b) (ii) (c), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act in Crime No.904 of 2023, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of 51 Kgs of Ganja. 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 such offence as alleged by the prosecution. Today, the learned counsel appearing for the petitioner has produced the RC Book of the car, which is involved in the crime. It is seen that the RC Book stands only in the name of one Sivakumar, however, the name of the petitioner has not been found in the RC Book. He would further submit that initially, the petitioner has filed CrI.O.P.(MD).No.18881 of 2023 before this Court seeking for anticipatory bail and this Court dismissed the above said petition on 04.01.2023 and thereafter, the petitioner was arrested and now, he has filed this petition. He would further submit that the alleged contraband is recovered only from A1 to A3 and not from the petitioner herein. He would further submit that the petitioner has not involved in any crime and hence, he prays for bail.



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4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that investigation has been completed and charge sheet is filed before the concerned Court. He would further submit that the petitioner has borrowed the car from one Sivakumar. He would fairly submit that the call details between the accused persons were not furnished in the charge sheet and accordingly, he prays for dismissal of this petition.

5. It is seen from the records that the owner of the car is Sivakumar and not the petitioner and the contraband has been recovered only from the other accused persons and not from the petitioner herein.

6. Considering the facts and circumstances of the case and considering the fact that the petitioner is not the owner of the car and considering the fact that the alleged contraband has been recovered only from the other accused persons and not from the petitioner herein and considering the period of incarceration suffered by the petitioner and also considering the fact that the twin conditions as contemplated under Section 37 of the NDPS Act is satisfied by the petitioner before this Court, this

Court is inclined to grant bail to the petitioner, subject to the following conditions:

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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 learned Special Court for 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 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;

(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
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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/-
21/03/2024

/ TRUE COPY /

21/03/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

- 1 THE JUDGE
SPECIAL COURT FOR NDPS ACT CASES, MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.R.ANAND, Advocate (SR-3470[I] dated 21/03/2024)

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ORDER
IN

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Date :21/03/2024

PKP/21.03.2024/ 6P/ 6C

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