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CRL OP(MD). No.3192 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 29/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.3192 of 2024

Jeyakanthan,

... Petitioner/8<sup>th</sup> Accused

Vs

The Inspector of Police,  
NIBCID Police Station,  
Theni.

Cr.No.28/2021.

... Respondent/Complainant

For Petitioner : Mr.S.MUNIYANDI,  
Advocate.

For Respondent : Mr.B.NAMBI SELVAN,  
Additional Public Prosecutor

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

PRAYER :- To enlarge the petitioner/ Accused on bail in C.C.No.125 of 2022 on the file of the learned Principal Special Court for Trial of NDPS Act Cases, Madurai, in Crime No.28 of 2021, on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A8, who is facing trial for the offences punishable under Sections 8 (c) r/w 20(b)(ii)(C), 29(1) and 25 of NDPS Act, in C.C.No.125 of 2022 on the file of the learned Principal Special Court for Trial of NDPS Act Cases, Madurai, in Crime



CRL OP(MD). No.3192 of 2024

No.28 of 2021, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the petitioner and other accused persons had involved in illegal transportation of 52kgs of Ganja. Thereby, the respondent police filed a charge sheet in C.C.No.125 of 2022 before the learned Principal Special Court for Trial of NDPS Act Cases, Madurai and thereafter, the trial was conducted and A1 to A5 were convicted and A6 was acquitted. Since A7 and A8 have not appeared before the trial Court, the trial was not proceeded further. Though A7 has already obtained interim bail, he has not appeared before the trial Court. Hence, the trial Court issued Non-Bailable Warrant against the petitioner. Thereafter, the petitioner has voluntarily surrendered before the trial Court on 31.01.2024.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and in respect of A6, the case was already ended in acquittal and the petitioner is very much interested in conclude the trial and thereby, he voluntarily surrendered before the trial Court and the petitioner is ready to appear before the trial Court till the conclusion of the trial. Hence, he pray for bail.

4.The learned Additional Public Prosecutor would submit that the petitioner has voluntarily surrendered before the trial Court on 31.01.2024 and though A7 has already obtained interim bail, he will not co-operate for the trial and no previous case



is pending against him.

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5.Considering the facts that the petitioner has voluntarily surrendered before the trial Court and he will co-operate with the trial for earlier disposal and A6 was already acquitted and also considering the period of incarceration suffered by the petitioner, this court is inclined to grant bail to the petitioner subject to the following 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 learned Principal Special Court for Trial of 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 trial Court on all working days daily at 10.30 a.m till the conclusion of the trial;

(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;



CRL OP(MD). No.3192 of 2024

(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/-  
29/02/2024

/ TRUE COPY /

29/02/2024  
Sub-Assistant Registrar  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI  
TO  
1 THE PRINCIPAL SPECIAL JUDGE  
FOR TRIAL OF NDPS ACT CASES,  
MADURAI.

2 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,  
NIBCID POLICE STATION,  
THENI.



CRL OP(MD). No.3192 of 2024

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.S.MUNIYANDI, Advocate ( SR-2517[I] dated 29/02/2024 )

ORDER  
IN  
CRL OP(MD) No.3192 of 2024  
Date :29/02/2024

SA/SAR. /29.02.2024/5P/6C  
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.