



CRL OP(MD). No.3757 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

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Pandi

... Petitioner/ Accused

Vs

The Inspector of Police,
Namanasamudram Police Station,
Pudukottai District.
Crime No.18/2024.

... Respondent/Complainant

For Petitioner : Mr.D.Padmanabhan, Advocate.

For Respondent : Mr.B.Nambi Selvan, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.18/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 17.02.2024 for the offences punishable under Section 328 of IPC r/w 21(a) of NDPS Act, in Crime No.18 of 2024 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the respondent police, based on the secret information, intercepted the petitioner and recovered 27 banned Tydel tablets. Hence,



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the case.

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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. He would further submit that the petitioner has possessed the said tablet for medical purposes and subsequently, he came to know that the said tablet is a banned tablet and further, the petitioner is in judicial custody since 17.02.2024 and hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that though the seized quantity is not defined under the NDPS Act, apart from this case, there are two previous cases pending against the petitioner, which are similar in nature. 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 that the substances recovered from the petitioner are not defined under the NDPS Act and it is only a banned product and also considering the period of incarceration suffered by 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



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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 E.C & NDPS Act Cases, Pudukkottai District, 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/-
08/03/2024

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08/03/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDGE,
SPECIAL COURT FOR EC & NDPS ACT CASES,
PUDUKKOTTAI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

3 THE INSPECTOR OF POLICE,
NAMANASAMUDRAM POLICE STATION,
PUDUKOTTAI DISTRICT.

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

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-2966[I] dated 08/03/2024)



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ORDER

IN

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Date :08/03/2024

RS//SAR-(08.03.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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