



CRL OP(MD). No.3772 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.3772 of 2024

Thamizhselvan

... Petitioner/ Accused No.1

Vs

The State Represented by
The Inspector of Police,
PEW Police Station,
Pudukkottai.

(In Crime No.1157 of 2022)

... Respondent/Complainant

For petitioner : Mr.S.ABDUL RAHUMAN,
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.1157 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/1st Accused, who was arrested and remanded to judicial custody
on 26.12.2022 for the offences under Sections 8(c), 20(b)(ii)(C) and 25 of NDPS Act, in

Crime No.1157 of 2022, on the file of the respondent Police, seeks bail.

<https://www.mhc.tn.gov.in/judis>



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2. The case of the prosecution is that on 26.12.2022, the petitioner was found in illegal possession of 15 bags of Ganja weighing about 409 kgs. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. The petitioner did not commit any allegations as alleged by the prosecution. Further, he would submit that the petitioner is in judicial custody for more than 1½ years, but till date, there is no progress in trial. The petitioner is suffering from diabetes mellitus Chronic Calcific Pancreatitis and PLWHA. Unless the petitioner is released on bail, his life time will be over in jail. The petitioner is ready to co-operate with the trial and to comply any condition that may be imposed by this Court. Hence, he prays for bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the medical certificate of the petitioner is produced before this Court, stating that the petitioner is suffering from diabetes mellitus Chronic Calcific Pancreatitis and PLWHA. He was on treatment in Mahatma Gandhi Memorial Government Hospital, Trichy, from 02.03.2024 to 14.03.2024 and discharged on 14.03.2024. He is currently under the medical supervision in Central Prison Hospital, Trichy and his clinical condition is stable at present. Further, the petitioner was arrested with contraband and he has not satisfied the twin conditions required under Section 37 of NDPS Act. An earlier bail



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application filed by the petitioner was dismissed by this Court and without any change in circumstance, the petitioner filed the present petition. Further, twelve previous cases are pending against the petitioner, out of which, two cases are registered for similar offences, in which, one case is pending with Visakapattinam Police. The petitioner has to be taken care by the jail authorities. Hence, he opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner and though the petitioner was arrested with contraband and twelve previous cases are pending against him, he is affected by diabetes mellitus Chronic Calcific Pancreatitis and PLWHA and effective treatment has to be given to the petitioner, this Court is inclined to grant bail to the petitioner with certain 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 Additional District and Sessions Court cum Special Court for EC and NDPS Act Cases, Pudukkottai, 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



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their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the concerned trial Court daily at 10.30 a.m till 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;

(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) 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).



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(g)if the accused thereafter absconds, a fresh FIR can be registered
under Section 229-A IPC.

sd/-
20/03/2024

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

INDU
TO
1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE
CUM SPECIAL COURT FOR EC AND NDPS ACT CASES,
PUDUKOTTAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 THE INSPECTOR OF POLICE,
PEW POLICE STATION,
PUDUKKOTTAI.

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

ORDER
IN
CRL OP(MD) No.3772 of 2024
Date :20/03/2024

SA/SAR. /20.03.2024/5P/5C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.