



CRL OP(MD)No.3857 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.03.2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD)No.3857 of 2024

R.Yogeswaran

... Petitioner/ Accused No.5

Vs

State represented by
The Inspector of Police,
NIB CID P.S.
Dindigul District.
Crime No.15 of 2023

... Respondent/Complainant

For Petitioner : Mr.Na.Manimaran, Advocate for
Mr.M.Alagan, 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.15 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 25.11.2023 for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii)(C) and 29(1) NDPS Act in Crime No.15 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 24.11.2023, base on the secret information, the Police party went near Karuppasamy temple at Dindigul to Batlagundu road. At that time, the accused persons came in a car bearing Reg.No.TN-07-BX-745 and the same was intercepted by the Police. On search, it was found that A1 to A3 were found in possession of 2 kgs of ganja and a sum of Rs.5,48,500/- was also recovered from them. Based on the confession statement given by them, the Police party recovered 21.600 kgs of ganja from A4 to A6. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner herein is arrayed as A5 and he did not commit any offence as alleged by the prosecution. He would further submit that only based on the confession statement, the petitioner herein implicated in this case, which is not sustainable one. Absolutely, there is no recovery from the petitioner herein and only in order to wreck vengeance, the petitioner was implicated in this case. Accordingly, he prayed to



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grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that initially 2 kgs ganja was recovered from A1 to A3 and based on the confession statement, 21.600 kgs was recovered. That apart, there was call details available in between A5, A6 and A8 and for the same set of facts, this Court refused to grant bail, since there was a bar under Section 37 of NDPS Act. Accordingly, he prayed to dismiss the present petition.

5.On perusal of the entire records reveals that 2 kgs of ganja recovered from A1 to A3 and based on the confession statement, 21 kgs of kanja was recovered from A4. No contraband was recovered from the petitioner herein. This Court perused the call details produced by the learned Additional Public Prosecutor. It reveals that the petitioner called A6 and A8 and there is no call details in-between A1, A4 and A5. Admittedly, there is no similar previous case pending as against A5, A6 and A8.

6.Considering the above facts and circumstances of the case 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, 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 Principal District and Sessions



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Judge for EC & NDPS Act, 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) 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 under Section 229-A IPC.

sd/-
13/03/2024

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13 /03/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

- 1 THE SPECIAL PRINCIPAL DISTRICT
AND SESSIONS JUDGE FOR EC & NDPS ACT,
MADURAI.
- 2 THE INSPECTOR OF POLICE
NIB CID POLICE STATION, DINDIGUL DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT JAIL, DINDIGUL
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.ALAGAN, Advocate (SR-3128[I] dated 13/03/2024)

ORDER
IN

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Date :13/03/2024

PKP/13.03.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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