



CRL OP(MD). No.4049 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/03/2024

PRESENT

The Hon`ble Mr.Justice **M.DHANDAPANI**

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Ramanan @ Umaramanan

... Petitioner/ Accused No.5

Vs

The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
Crime No.151 of 2017.

... Respondent/Complainant

For Petitioner : Mr.P.Aju Tagore,
Advocate.

For Respondent : Mr.B.Nambiselvan,
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.253 of 2022 on the file of the learned Additional District Judge, Special Court for E.C.Act Cases, Pudukkottai.

ORDER : The Court made the following order :-

The petitioner/ A5, who is facing trial for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) and 25 of NDPS Act, in C.C.No.253 of 2022 on the file of the



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learned Additional District Judge, Special Court for EC Act Cases, Pudukkottai, in Crime No.151 of 2017, on the file of the respondent police, seeks bail.

2.2.The case of the prosecution is that the de-facto complainant one Gajendran (Inspector of Police) has given a complaint alleging that on 12.07.2017 at 16.00 hrs, when they were in routine vehicle check up near Vethalai Seashore area, one Tyota Car bearing Registration No.TN-02-AM-8889 was coming towards them and stopped on seeing the police party. Thereafter three persons ran away from the car. The police seized 64kgs of Ganja from the car. The respondent police registered the First Information Report against Vethagirithara Ganesan, Suthakar, Selvakumar and Alamelu Meena, who is the owner of the vehicle. The police after investigation removed the names of Vethagirinathan, Selvakumar and Alamelu from the FIR. The respondent police filed charge sheet against the petitioner and five others in C.C.NO.253 of 2022, which is taken on file by the Special court for E.C. Act, Pudukkottai. The allegation is that A1 and A2 wanted to smuggle Ganja, other accused persons helped them in procuring Ganja and one Santhoshkumar is alleged to have loaded Ganja into the car and went to the spot in two wheeler bike. The respondent police had seized 64kgs of Ganja from the car. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and in fact, the



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offence is said to have been committed in the year 2017 and subsequently, all the accused persons were enlarged on bail in CrI.O.P.(MD)No.8770 of 2017, dated 14.06.2023. The petitioner was arrayed as A5 and he was not available in the scene of occurrence and no recovery was made from the petitioner. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was arrayed as A5 and the case was registered in the year 2017 and the seized contraband is 64 kgs from the main accused. However, the petitioner was not available in the scene of occurrence and based on the confession statement of the co-accused, he has been implicated in the above said offence. Apart from this case, there are two previous cases pending against the petitioner, which are not similar in nature. However, he vehemently opposed for grant of bail.

5.It appears that the contraband recovered from the main accused in the year 2017, for which, the respondent police registered case and at the relevant time, the petitioner was not added as an accused in this case and after filing the charge sheet, he was arrayed as A5 and no recovery was made from the petitioner and further, all the accused persons were already enlarged on bail by this Court and the petitioner is a Sri Lankan refugee.



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6. Considering the facts and circumstances of the case and the fact that the petitioner was not available in the scene of occurrence and no recovery was made from the petitioner and the co-accused were already enlarged on bail by this Court 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:

7. Accordingly, this Criminal Original Petition is ordered and 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 Additional District Judge, Special Court for E.C 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 their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall stay at Sri Lankan Tamils Rehabilitation Camp, Kottapattu Refugee Camp, Trichy and report before the Special Camp Police Station, Trichy daily at 10.30 a.m., till the disposal of the criminal case, except the hearing dates;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(d) the petitioner shall not abscond either during investigation or trial;

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(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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/03/2024

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26/03/2024
Sub-Assistant Registrar (Writs)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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TO

- 1 THE ADDITIONAL DISTRICT JUDGE,
SPECIAL COURT FOR EC ACT CASES, PUDUKKOTTAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PULAL, CHENNAI.
- 3 THE INSPECTOR OF POLICE
MANDAPAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

- 1 THE OFFICER INCHARGE,
SRI LANKAN TAMILS REHABILITATION CAMP,
KOTTAPATTU REFUGEE CAMP, TRICHY
- 2 THE INSPECTOR OF POLICE,
SPECIAL CAMP POLICE STATION, TRICHY

+ 1 CC TO Mr.P.Aju Tagore, ADVOCATE IN SR No.3824 dated 27/03/2024

ORDER
IN

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Date :26/03/2024

SS/SAR- /26/03/2024/6P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023