



CRL OP(MD). No.4695 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.4695 of 2024

Arun @ Arunkumar

... Petitioner/ Accused No.4

Vs

The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
Cr.No.35/2023.

... Respondent/Complainant

For Petitioner : M/s.Jayaprakash.S,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.35 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner, who was arrested on 09.07.2023 for the alleged offence under Sections 8(c) r/w 20(b)(ii) (C), 25 and 29(1) of NDPS Act, in Crime No.35 of 2023, seeks bail.

2.The case of the prosecution is that the petitioner along with the other accused was found in possession of 61 kgs of ganja in a Bolero Vehicle bearing Registration No. TN 55CZ 1518.

3.The learned counsel for the petitioner submits that the respondent police have recovered the contraband from A1 and A2 on 24.01.2023 and after six months, this petitioner was arrested on 09.07.2023 as if this petitioner along with the third accused has received money from A1 and A2 for purchase of contraband from Andhra Pradesh. He further submits that no recovery has been made from this petitioner. This petitioner has been falsely implicated in this case, based on the confession statement of the co-accused.



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4. The learned Additional Public Prosecutor appearing for the respondent opposes for grant of bail to the petitioner as 61 kgs of ganja is involved in this case. He further submits that the petitioner is the fourth accused. The respondent police has recovered the contraband from A1 and A2 on 24.01.2023. There was a money transaction between the petitioner and A1 and A2 in connection with purchase of contraband from Andhra Pradesh. The petitioner is also a relative of A2. The investigation has already been completed and charge sheet has also been laid before the concerned Court.

5. Considering the facts and circumstances of this case and considering the fact that recovery has been made from A1 and A2 alone and this petitioner has been arrested after six months of recovery and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with some stringent conditions.

6. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on the following conditions:-

- i) The petitioner shall execute a bond for a sum of Rs.1,00,000/-



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(Rupees One Lakh only) with two sureties each of reputed persons for a like sum to the satisfaction of the learned Judge, Principal Special Court for trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai.

ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The petitioner shall report before the Principal Special Court for trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai daily at 10.30 a.m., until further orders. The petitioner has to co-operate for the trial.

iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the trial as well.



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v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

sd/-
22/04/2024

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22/04/2024
Sub-Assistant Registrar (VIGILANCE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vrn

TO

1.THE JUDGE, PRINCIPAL SPECIAL COURT FOR TRIAL OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT CASES, MADURAI.

2.THE OFFICER IN CHARGE, SUB JAIL, THENI.

3.THE INSPECTOR OF POLICE,
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.S.JAYAPRAKASH, Advocate (SR-4691[I] dated 22/04/2024)

ORDER
IN

CRL OP(MD) No.4695 of 2024
Date :22/04/2024

RK (22/04/2024) 5P / 6C

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