



CRL OP(MD). No.4790 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Gopalakrishnan @ Gopi

... Petitioner/6th Accused

Vs

The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
In Crime No.355 of 2023.

... Respondent/Complainant

For Petitioner : Mr.S.MUNIYANDI,
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.355 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.6, who was arrested and remanded to judicial custody on 26.10.2023 for the offence punishable under Sections 8(c) r/w Section 20 (b) (ii) (B), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act in Crime No.355 of 2023, seeks bail.



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2. The case of the prosecution is that on 26.10.2023, when the respondent Police conducted routine vehicle checkup, at that time, the accused persons tried to escape from the scene of occurrence in their vehicle. But, the Police caught Accused Nos.1, 2, 3, 5 and 7 arrested and recovered 6 Kgs of Ganja from them. Thereafter, based on the confession statement of A1, the respondent Police after the period of fifteen days proceeded with A11 and recovered 42 kgs of Ganja from him. Based on confession statement of A1 to A5, this petitioner has been implicated in this case as A6. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner was not at all present in the scene of occurrence and there is recovery only from A1 to A3, A5 and A11 and no recovery from this petitioner. He would further submit that already A1 and A7 have been granted bail by this Court and hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner is having one previous case, which is similar in nature and accordingly, he prays for dismissal of this petition.

5. Considering the facts and circumstances of the case and considering the period of incarceration suffered by the petitioner and also considering the fact that



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the twin conditions as contemplated under Section 37 of the NDPS Act is not attracted in this case and also considering the fact that the ganja involved in this case is not a commercial quantity, co-accused was already enlarged on bail, this Court is inclined to grant bail to the petitioner, subject to the following 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 learned Principal Special Court for NDPS Act Cases, 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., till the conclusion of the investigation and 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



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

sd/-
27/03/2024

/ TRUE COPY /

28/03/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE PRINCIPAL SPECIAL JUDGE
FOR NDPS ACT CASES, MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.

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



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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-3760[I] dated 27/03/2024)

+1 CC to M/s.J.JEYA ARON RAJA, Advocate (SR-3766[I] dated 27/03/2024)

ORDER
IN
CRL OP(MD) No.4790 of 2024
Date :27/03/2024

SA/SAR. /28.03.2024/5P/7C

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