



CRL OP(MD). No.4922 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4922 of 2024

Velankanni Jenifer

... Petitioner/ Accused No.1

Vs.

The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District.
Crime No.54 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.S.Selvakumar, Advocate.

For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor

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

PRAYER :-

To release the petitioner / accused on bail in C.C.No.780 of 2023 before the learned Principal District and Sessions Judge (NDPS Court), Madurai, in Crime No.54 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 12.02.2023 for the offences punishable under Sections 8(C) r/w.20(b)(ii)(B), 22(C) of NDPS Act, in Crime No.54 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused persons were in illegal possession of 1.100 kgs of Ganja and 100 grams of mushroom, which is a commercial quantity. Hence, the complaint.



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3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. This is the fifth application for bail and the earlier bail application filed in Crl.OP(MD)No.394 of 2024 was dismissed. Further, the petitioner in Crl.O.P(MD) No.7028 of 2023 was withdrawn by the petitioner on 18.04.2023 and the subsequent applications filed in Crl.O.P(MD).Nos.9883 and 20903 of 2023 were dismissed by this Court on 14.06.2023 and 21.11.2023 respectively. Further, after completing the investigation, Charge Sheet was filed in C.C.No.780 of 2023 on the file of the learned Principal District and Sessions Judge (NDPS Court), Madurai. The third accused was released on bail by the Honourable Supreme Court in Criminal Appeal (SLP (Crl.). No.14266 of 2023), vide order dated 06.03.2024. He would further submit that the petitioner is in judicial custody for more than one year. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that co-accused was enlarged on bail by the Hon'ble Apex Court in Criminal Appeal (SLP (Crl.). No.14266 of 2023), vide order dated 06.03.2024. Hence, he has no objection to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the



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period of incarceration suffered by the petitioner and the co-accused was enlarged on bail by the Hon'ble Apex Court in (SLP (Crl.). No.14266 of 2023), vide order dated 06.03.2024, this Court is inclined to grant bail to the petitioner with certain 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 Principal District and Sessions Court (NDPS Court), 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 concerned Court on each and every hearing date without fail;

(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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

229-A IPC.

sd/-

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

Indu

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE (NDPS COURT), MADURAI.

2 THE INSPECTOR OF POLICE, KODAIKANAL POLICE STATION,
KODAIKANAL, DINDIGUL DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI DISTRICT.

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

+1 CC to M/s.J.JEYA ARON RAJA, Advocate (SR-3922[I] dated 28/03/2024)

ORDER IN

CRL OP(MD) No.4922 of 2024

Date :28/03/2024

RS//SAR-(28.03.2024) 4P 6C

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