



CRL OP(MD).No.4949 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

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Chandramohan @ Chandrasekar

... Petitioner/ Accused No.13

Vs

The Inspector of Police,
Avaniyapuram Police Station,
Madurai.

Crime No.1623/2020

... Respondent/ Complainant

For Petitioner : Mr.A.R.Kannappan, Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in connection with C.C.No.341 of 2022 on the file of the learned II Additional Special Court for NDPS Act Cases, Madurai.

ORDER : The Court made the following order :-

The petitioner/accused No.13, who is facing trial for the offence punishable under Sections 8(c) r/w. Sections 20(b)(ii)(C), 25 and 29(i) of NDPS Act in C.C.No.341 of 2022, on the file of the learned II Additional Special Judge for NDPS Act Cases, Madurai, in Crime No.1623 of 2020, seeks bail.

2. The case of the prosecution is that on 15.06.2020, the petitioner and the other accused persons were found in possession of 24 kgs of Ganja and were in possession of Rs.2,50,400/- being the amount derived from the sale of Ganja. Hence, a case in



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Crime No.1623 of 2020 was registered and after completion of investigation, the respondent Police filed the charge sheet before the trial Court and the same was taken on file in C.C.No.309 of 2020. Since the petitioner and the accused Nos.8 and 12 have not appeared before the trial Court, the case was split up and C.C.No.341 of 2022 was assigned.

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 is in judicial custody from 24.04.2023 and the trial Court, vide judgment dated 25.08.2023, has acquitted the accused Nos.1 to 7 and 9 to 11. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent vehemently opposed for grant of bail by stating that though the co-accused persons were acquitted by the trial Court, apart from this case, the petitioner is facing four previous cases, out of which, three cases are similar in nature. Hence, he vehemently opposed for grant of bail.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner and the fact that the co-accused persons were acquitted by the trial Court and that for non-appearance of the petitioner, the case



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was split up against him, this court is inclined to grant bail to the petitioner, subject to the following 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 II Additional Special Judge 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 trial Court daily at 10.30 a.m., till the conclusion of trial;

(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

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229-A IPC.

sd/-
28/03/2024

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28/03/2024

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

ssb

TO

- 1 THE ADDITIONAL DISTRICT JUDGE,
II ADDITIONAL SPECIAL COURT FOR NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE, AVANIYAPURAM POLICE STATION
MADURAI.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.4949 of 2024
Date :28/03/2024

RS//SAR-(28.03.2024) 4P 5C
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