



CRL OP(MD)No.4967 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.4967 of 2024

Raja

... Petitioner/ Accused No.6

Vs

The Inspector of Police,
NIBCID, Dindigul District.
(Crime No.15 of 2023)

... Respondent/Complainant

For Petitioner : Mr.P.Ganapthi Subramanian, 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.15 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 25.11.2023 for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) NDPS Act, 1985 in Crime No.15 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 24.11.2023, base on the secret information, the Police party went near Karuppasamy temple at Dindigul to Batlagundu road. At that time, the accused persons came in a car bearing Reg.No.TN-07 BX-745 and the same was intercepted by the Police. On search, it was found that



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A1 to A3 were found in possession of 2 kgs of ganja and a sum of Rs.5,48,500/- was also recovered from them. Based on the confession statement given by them, the Police party recovered 21.600 kgs of ganja from A4 to A6. Hence, the complaint.

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 already this Court granted bail to the co-accused in Crl.O.P.(MD)No.3857 of 2024 dated 13.03.2024. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that there is no similar previous case pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that this Court granted bail to the co-accused, seized contraband is not commercial quantity and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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 Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act, Madurai and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass

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Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 A.M., 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) 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;

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

gns

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TO

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

2 THE INSPECTOR OF POLICE, NIBCID, DINDIGUL DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, DINDIGUL.

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

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-3991[I] dated
28/03/2024)

ORDER

IN

CRL OP(MD) No.4967 of 2024

Date :28/03/2024

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

Madurai Bench of Madras High Court is issuing
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