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CRL OP(MD). No.5446 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.5446 of 2024

Ajayprakash,

... Petitioner/ Accused 2

Vs

The Inspector of Police,
Manamadurai Police Station
Sivagangai District – 630606
Cr.No.95/2024.

... Respondent/Complainant

For Petitioner : Mr.SENTHILKUMAR R, Advocate.

For Respondent : Mr.T.SENTHIL KUMAR, Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 95/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioner in Crime No.95 of 2024 for the offence under Section 8(c), r/w section 20(b)(ii)(B) of NDPS Act, 1985 and Section 25(1A) of Arms Act, 1959 and remanded him into judicial custody on 25.02.2024. Therefore, the petitioner has filed this petition seeking bail.

2. The case of the prosecution is that the petitioner and other accused were in possession of 2 Kgs of Ganja each for selling with sword.

3. The learned counsel for the petitioner submits that the petitioner is an



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innocent person and he has not committed any offence as alleged by the prosecution.

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However, he is languishing in Jail from 25.02.2024.

4. The learned Additional Public Prosecutor appearing for the respondent opposes for grant of bail on the ground that the petitioner is having 6 previous cases, out of which, 3 cases similar are in nature.

5. The petitioner has demonstrated from the F.I.R, the manner in which the F.I.R has been registered. A perusal of the F.I.R, raised certain doubt with regard to the alleged occurrence. The petitioner is aged about 23 years.

6. The learned counsel for the petitioner submits that this petitioner has not committed any offence and the mother of the petitioner is also prepared to file an undertaking affidavit that she would ensure that the petitioner is not involved in any further offence.

7. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

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

i) on the petitioner executing a bond for a sum of Rs.25,000/-

(Rupees Twenty Five Thousand) with two sureties each for a like sum



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to the satisfaction of the learned Additional Sessions Judge, Special Court of Ec and NDPS Act, Pudukottai.

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 appear before the respondent police daily at 10.30 a.m until further orders; The petitioner's mother shall execute an undertaking affidavit that the petitioner will not indulge in further offence.

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. He shall be available for the trial as well.

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/-
15/04/2024

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16/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE ADDITIONAL SESSIONS JUDGE,
SPECIAL COURT OF EC AND NDPS ACT, PUDUKOTTAI

2 THE OFFICER INCHARGE
DISTRICT JAIL, PUDUKOTTAI.

3 THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION
SIVAGANGAI DISTRICT - 630606

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

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-4425[I] dated 15/04/2024)

ORDER IN
CRL OP(MD) No.5446 of 2024
Date :15/04/2024

SA/SAR. /16.04.2024/4P/6C

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