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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.6570 of 2024

Antony Rahul, ... Petitioner/Accused No.2

Vs

The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District.
(Crime No.54/2023).. ... Respondent/Complainant

For Petitioner : Mr.S. Selva Kumar, Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

To release the petitioner/accused on bail in CC No.780/2023 before the Learned II Additional Special Court for EC and NDPS Act Cases, Madurai in Crime No.54/2023 on the file of the Respondent Police.

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ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioner in Crime No.54 of 2023 for the offence under Sections 8(c) r/w Section 20 (b) (ii) (B), 22(C) of NDPS Act, and remanded him into judicial custody on 31.03.2023. Therefore, the petitioner has filed this petition seeking bail.

2. The case of the prosecution is that the petitioner and other accused were in illegal possession of 1.100 kgs of Ganja and 100 grams of magic mushroom, used for intoxication and they were recovered from them. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he has been arrested and he is languishing in jail from 31.03.2023. In this case, the first accused was already released on bail by this Court in Crl.O.P(MD) No.4922 of 2024, dated 28.03.2024 and the third accused was granted by the Hon'ble Supreme Court in Criminal appeal (SLP Crl) No.14266 of 2023. Therefore, he prays for grant of bail.

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4. The learned Additional Public Prosecutor appearing for the respondent opposed for grant of bail on the ground that the petitioner was arrested with contraband.

5. Considering the facts and circumstances of the case, the period of incarceration and also considering that the accused Nos.1 and 3 were already enlarged on bail, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail

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 to the satisfaction of the Principal Special Court for EC & NDPS Cases, Madurai.

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 am until further orders.. He has to co-operate for the investigation.

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

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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/-
29/04/2024

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29/04/2024
Sub-Assistant Registrar (CS -II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

lr

TO

1. The Principal Special Judge
for EC & NDPS Cases, Madurai.

2. The Superintendent,
Central Prison,
Madurai District.

3. The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SELVAKUMAR, Advocate (SR-5081[I] dated 29/04/2024)

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ORDER
IN
CRL OP(MD) No.6570 of 2024
Date :29/04/2024

RK/ (29/04/2024) 5P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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