



CRL OP(MD). No.6686 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.6686 of 2024

A.Kubendran,

... Petitioner/ Accused No.7

Vs

The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
Crime No.727 of 2019.

... Respondent/ Complainant

For Petitioner : Mr.V.Kathirvelu, Senior Counsel
for Mr.Na.Manimaran, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioners on bail in C.C.No.152 of 2020 on the file of the I Additional District Judge for NDPS Act cases, Madurai in Crime No.727 of 2019 on the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is an accused in C.C.No.152 of 2020 on the file of the learned I

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.6686 of 2024

Additional District Judge for NDPS Act cases, Madurai, has filed this application seeking bail. The said case was registered for the offence under Sections 8(c) r/w 20 (b)(ii)(C), 25 and 29(1) of the NDPS Act in Crime No.727 of 2019 on the file of the respondent police.

2.The case of the prosecution is that on 06.12.2019, the respondent police recovered 213 kgs of Ganja from the accused 1 to 5. Based on their confession statements, the petitioner has also been added as an accused in the First Information Report itself in the year 2019. However, the investigation agency has arrested the petitioner only on 01.03.2022 based on the P.T. Warrant issued by the trial Court on 07.01.2022.

3.The learned Senior counsel for the petitioner submits that except the confession statement of the co-accused, there is no other material against the petitioner and the investigation in this case has been completed and the charge sheet has already been filed and the same has been taken on file in C.C.No.152 of 2020 on the file of the learned I Additional District Judge for NDPS Act cases, Madurai. He further submits that the petitioner is ready to co-operate for the trial and also ready to appear for all the hearings. He further submits that the petitioner is languishing in jail for the past 2 years.

4.The learned Additional Public Prosecutor has raised serious objections that



CRL OP(MD). No.6686 of 2024

the petitioner's name was found in the FIR itself and the petitioner has also been involved in the subsequent NDPS Act cases in the year 2021 in RR No.37 of 2021 and NIB CID, Crime No.20 of 2021.

5.For the objections raised by the learned Additional Public Prosecutor, the learned Senior Counsel for the petitioner has relied on the orders of this Court in Crl.O.P.(MD)No.7827 of 2023, dated 12.07.2023 and Crl.O.P.(MD)No.5894 of 2023, dated 10.04.2023 and submits that the petitioner has been roped as an accused in other two cases also in the year 2021 and this Court has appreciated the same and found that there is no other material, except the confession statement, as against this petitioner, has granted bail to the petitioner.

6.This Court considered the rival submissions made.

7.The occurrence had taken place in the year 2019. The final report was filed in the year 2020 and the same was taken on file in C.C.No.152 of 2020 and the same is also pending. The application filed by the petitioner in other two cases were already considered by this Court and bail has already been granted in those cases. Though the petitioner was very much available in the year 2021, the investigation agency has not taken any steps to remand the petitioner till 07.01.2022. P.T. warrant was obtained only on 07.01.2022 and he was remanded only on 01.03.2022.

8.Considering the above facts and circumstances of the case and also



CRL OP(MD). No.6686 of 2024

considering the period of incarceration, the materials, which has been collected by the investigation agency as against the petitioner and the previous orders passed by this Court in Crl.O.P.(MD)Nos.7827 of 2023 and 5894 of 2023, this Court is inclined to grant bail to the petitioner on stringent conditions.

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

- i) The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of the learned I Additional Special Court To Trial of NDPS Act 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 report before the respondent police daily at 10.30 a.m. until further orders. Further, the petitioner shall appear before the trial Court in all hearing dates without filing any application to condone his absence;
- 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. The petitioner shall be available for the trial as well.



CRL OP(MD). No.6686 of 2024

WEB COPY

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/-
11/06/2024

/ TRUE COPY /

11/06/2024
Sub-Assistant Registrar (AD-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

- 1 THE JUDGE
I ADDITIONAL SPECIAL COURT TO TRIAL OF NDPS
ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
DINDIGUL TALUK P.S,
DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6686 of 2024
Date :11/06/2024

PKP/11.06.2024/ 5P/ 5C
Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023