



CRL OP(MD). No.7147 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.05.2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.7147 of 2024

Surya

... Petitioner/ Accused No.2

versus

The Inspector of Police,
Thanjavur East Police Station
Thanjavur District
Crime No.1042 of 2021

... Respondent/Complainant

For Petitioner : Mr.S.Veerapandiselvaraj, Advocate
For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1042 of 2021 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.1042 of 2021 for the offence under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985. In this case, charge sheet was filed and the same was taken on file in C.C.No.68

of 2021 on the file of the learned Additional District Judge/Presiding Officer Special

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Court under Essential Commodities Act, Thanjavur. Since the petitioner has failed to appear before the Court for hearing, a Non-Bailable Warrant has been issued as against the petitioner on 01.07.2023, based on which, he was secured only on 11.03.2024. Therefore, he has filed this petition seeking bail.

2. The learned Additional Public Prosecutor submits that due to non-appearance of the petitioner, Non-Bailable Warrant was issued by the Court, based on which, he was arrested on 11.03.2024.

3. The learned counsel appearing for the petitioner submits that the petitioner undertakes that he will appear before the trial Court in all the date of hearings without fail. Therefore, he prays for grant of bail to the petitioner.

4. 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.

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

a) on the petitioner 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 Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur.

b] 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 Book to ensure their identity.

c) The petitioner shall appear before the Trial Court in all the date of hearings, without fail and co-operate for the trial.

d) the petitioner shall not abscond either during investigation or trial.

e) the petitioner shall not tamper with evidence or witness either during investigation or trial.

f) 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 is 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].

g) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/05/2024

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23/05/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

msa

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TO

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1 THE ADDITIONAL DISTRICT JUDGE / PRESIDING OFFICER,
SPECIAL COURT UNDER ESSENTIAL COMMODITIES ACT, THANJAVUR.

2 THE INSPECTOR OF POLICE, THANJAVUR EAST POLICE STATION,
THANJAVUR DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-5633[I] dated 22/05/2024)

ORDER

IN

CRL OP(MD) No.7147 of 2024

Date :22/05/2024

RS//SAR-(23.05.2024) 4P 6C

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