



CRL OP(MD). No.8071 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.8071 of 2024

Karthick

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
NIB CID, Theni,
Theni District.
(Crime No.16 of 2021.)

... Respondent/Complainant

For Petitioner : Mr.K.Prabakaran, Advocate.

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

PRAYER :- This Petition is filed to direct the petitioner to be released on bail in connection with C.C.No.419 of 2022 in Cr.No.16 of 2021 on the file of the II Additional Special Court for NDPS Act cases, Madurai forthwith.

ORDER : The Court made the following order :-

This Petition is filed to direct the petitioner to be released on bail in connection with C.C.No.419 of 2022 in Cr.No.16 of 2021 on the file of the II Additional Special Court for NDPS Act cases, Madurai.



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2. The respondent police registered a case as against this petitioner in Crime No.829 of 2020 for the offence under Section 8 (c) r/w. Section 20 (b), (ii) (C) and 29(1) of NDPS Act and after investigation the respondent police filed a final report and the same was taken on file in C.C.No.419 of 2022 and remanded him into judicial custody on 14.03.2024. Therefore, the petitioner has filed this petition seeking bail.

3. The case of the prosecution is that the petitioner and other accused were found in possession of 80 Kgs of Ganja.

4. 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. He further submits that the contraband recovered from a Shop, which has been leased by the Panchayat Union Office, to one Thandieeshwari. Based on the 161(3) statement of Panchayat Union official, the petitioner and other accused were added as accused that they are the sub-lessees of the shop from where the contraband is recovered from Thandieeshwari and they only are responsible for possession of the contraband in shop. The case in C.C.No.189 of 2021 ended in acquittal of accused nos.2 to 4. The investigation agency though cited Thandieeshwari as a witness, they have not examined the said Thandieeshwari before the trial Court. Therefore, the petitioner has moved this application on the



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ground that accused nos. 2 to 4 in this case were already acquitted. The prosecution case is that the petitioner was impleaded as accused only based on the statement of Thandieeshwari. However, he is languishing in Jail from 14.03.2024 and prayed the petitioner to be enlarged on bail.

5. The learned Additional Public Prosecutor appearing for the respondent opposes for grant of bail on the ground that the petitioner is arrayed as A1 and he is the main accused and that the petitioner's car was recovered. He further submits that there are five accused in this case and co-accused – A2 to A4 have already been acquitted by the trial Court in C.C.No.189 of 2021 on 06.06.2023.

6. Considering the facts and circumstances of the case and also considering the period of incarceration and the fact that the petitions has made out a case, this Court is inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail with certain 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 to the satisfaction of the learned II Additional Special Court for NDPS Act Cases, Madurai.

ii) The petitioner and the sureties shall submit a copy of their



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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. 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 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/-
13/06/2024

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14/06/2024

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

To

1.The II Additional Special Judge,
II Additional Special Court for NDPS Act Cases, Madurai.



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2.The Inspector of Police,
NIB CID, Theni,
Theni 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.8071 of 2024
Date :13/06/2024

ED/ /SAR- (14/06/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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