



CRL OP(MD). No.10161 of 2024

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

Date : 09/07/2024

PRESENT

The Hon'ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.10161 of 2024

Ganesamoorthy @ Mottaikundu,

... Petitioner/ Accused No.2

Vs

**The Inspector of Police,
Town West Police Station,
Thanjavur District.
Crime No. 348/2024.**

... Respondent/Complainant

**For Petitioner : Mr.K. M.Karunakaran,Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor**

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

PRAYER :-

For Bail in Crime No. 348 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

**The petitioner/A2, who was arrested and remanded to judicial custody on
21.04.2024 for the offences punishable under Section 8(C) r/w 20(b)(ii)(B) of NDPS
Act, in Crime No.348 of 2024 on the file of the respondent police, seeks bail.**



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2.The case of the prosecution is that the petitioner was found in illegal possession of 1.100 kg of ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner shall abide any condition imposed by this Court.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner was found in illegal possession of 1.100 kg ganja. However, he fairly conceded that the contraband recovered from the accused is comes under the small quantity and no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioner was found to be in possession of intermediate quantity of ganja and the petitioner is in judicial custody from 21.04.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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

Commodities Act, Thanjavur.

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



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(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)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 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].

vi) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/07/2024

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09/07/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO COPY

- 1 THE ADDITIONAL DISTRICT JUDGE
PRESIDING OFFICER, SPECIAL COURT FOR UNDER
ESSENTIAL COMMODITIES ACT, THANJAVUR.
 - 2 THE INSPECTOR OF POLICE
TOWN WEST 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-7665[I] dated 09/07/2024)

ORDER
IN

CRL OP(MD) No.10161 of 2024
Date :09/07/2024

PKP/09.07.2024/ 4P/ 6C

Madurai Bench of Madras High Court is issuing certified
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