



CRL OP(MD). No.10482 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.10482 of 2024

Atriyar,

... Petitioner/ Accused No.5

Vs

**The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District,
Crime No. 164/2023.**

... Respondent/Complainant

For Petitioner : N. Balasubramanian, Advocate.

**For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor**

PETITION FOR BAIL Under Sec.482 BNSS

PRAYER :-

For Bail in Crime No.164/2023 on the file of the respondent police.

ORDER : The Court made the following order :-



CRL OP(MD). No.10482 of 2024

The petitioner/ Accused, who was arrested and remanded to judicial custody on 10.05.2023 for the offences punishable under Sections 8(c) 20(b)(ii)(C) and 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in crime No.164 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein and other accused have illegally found in possession of 120 kgms of Ganja. Hence, the case.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

4. Considering the fact that by an order, dated 08.08.2024, by making detailed observations as to the merits of the case, originally A1 and A7 were granted bail and following the the said order, by another order, dated 13/8/2024, A3 and A4 were also granted bail. This person being the Accused No.5, who is also on the same similar footing as Accused Nos.3 and 4, I am inclined to enlarge the petitioner on bail. It can be seen that in the earlier order, dated 8/8/2024 detailed Observations have been made with reference to the materials on record and also the fact with reference to the manner of investigation carried on by the Investigating Officer. The learned Additional Public Prosecutor would submit that a supplementary charge sheet is now going to be filed and they have collected additional materials also including the



CRL OP(MD). No.10482 of 2024

CDR particulars, which shows not only there has been calls between inter-se between the accused and their location also shows to the concerned tower at the relevant point of time. It may be so, but so far the same has not been made on record along with the original Charge Sheet and on considering the case filed by the respondents earlier the above mentioned four accused were released on bail. This petitioner is also in jail from 10.05.2023. Considering all the above facts and circumstances, this Court is inclined to enlarge the petitioner on bail.

5. 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Principal Sessions Court, Madurai.

(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 appear before the trial Court on all hearing dates without fail.

(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



CRL OP(MD). No.10482 of 2024

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/-
19/08/2024

/ TRUE COPY /

19 / 08 /2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE SPECIAL SESSIONS JUDGE
SPECIAL PRINCIPAL SESSIONS COURT, MADURAI

2 THE SUPERINTENDENT,
CENTRAL PRISON PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT,



CRL OP(MD). No.10482 of 2024

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

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-10097[I] dated 19/08/2024)

ORDER
IN
CRL OP(MD) No.10482 of 2024
Date :19/08/2024

PSP/ /SAR /19.08.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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