



CRL OP(MD). No.10552 of 2024

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

Date : 16/07/2024

PRESENT

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

CRL OP(MD). No.10552 of 2024

Tamilvanan

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Thanjavur Town West Police Station,
Thanjavur District,
(Crime No.441/2024.)

... Respondent/Complainant

For Petitioner : Mr.Maheswaran R, Advocate.

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

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

PRAYER :- For Bail in Crime No.441/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 25.05.2024 for the offences punishable under Section 8(c) r/w. Section 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.441 of 2024 on the file of the respondent police,



CRL OP(MD). No.10552 of 2024

seeks bail.

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2.The case of the prosecution is that the petitioner was found in illegal possession of 1.168 Kgs of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner is in judicial custody from 25.05.2024.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner was found in illegal possession of 1.168 Kgs of Ganja and he is having 14 previous cases. The investigation is pending and hence, he strongly opposed for grant of bail.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner was found to be in possession of intermediate quantity of ganja and considering the period of incarceration, 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 Special Court for Essential Commodities Act, Thanjavur.

(i)the sureties shall affix their photographs and left thumb impression in the



CRL OP(MD). No.10552 of 2024

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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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
16/07/2024

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16/07/2024
Sub-Assistant Registrar (A.E)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS



CRL OP(MD). No.10552 of 2024

To

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1.The Judge,
Special Court for Essential Commodities Act,
Thanjavur.

2.The Inspector of Police,
Thanjavur Town West Police Station,
Thanjavur District.

3.The Officer Incharge,
Sub Jail,
Thanjavur.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-8025[I] dated 16/07/2024)

ORDER

IN

CRL OP(MD) No.10552 of 2024

Date :16/07/2024

ED/ /SAR- (16/07/2024) 4P / 6C

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