



CRL OP(MD)No.11407 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.07.2024

PRESENT

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

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Gopinath @ Kurutu Gopi

... Petitioner/ Accused Rank No.1

Vs

The Inspector of Police,
Allinagaram Police Station,
Theni District.
(Crime No.330 of 2022)

... Respondent/Complainant

For Petitioner : Mr.D.Rajaboopathy, Advocate

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

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Cr No.330 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

This Petition is filed to enlarge the petitioner on bail in connection with
C.C.No.552 of 2023 on the file of the District and Sessions Court for EC and NDPS



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Act Cases, Madurai, which was subsequently transferred to the file of the Chief Judicial Magistrate Court, Theni.

2.The petitioner, who was arrested and remanded to judicial custody on 23.06.2024 for the offences punishable under Sections 20(b)(ii)(B), 25, 29(1) & 8(c) of the Narcotic Drugs & Psychotropic Substances Act, 1984 in Cr.No.330 of 2022 on the file of the respondent police, seeks bail.

3.Earlier the petitioner was granted bail in Crime No.330 of 2022 and in P.R.C, stage he absconded. After filing charge sheet, as the summon could not be served upon the petitioner, the trial Court, has issued nonailable warrant in the year 2023, for appearance on him and he was arrested on 23.06.2024.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 23.06.2024, hence he may be enlarged on bail.

5.The learned Additional Public Prosecutor would submit that if the petitioner released on bail, again he will abscond and trial will not be proceeded further. Hence, he strongly opposed to grant bail.



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6.Considering the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

7.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 District and Sessions Court for EC and NDPS Act Cases, Madurai.

[i] the sureties shall affix their photographs and Left thumb Impression in the surety bond and the Special Court/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 District and Sessions Court for EC and NDPS Act Cases, Madurai on all hearing dates, without fail.

[iii] the petitioner shall not tamper with evidence or witness;

[iv] the petitioner shall not abscond during trial.



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[v] On breach of any of the aforesaid conditions, the learned Judicial 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].

[vii] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/07/2024

/ TRUE COPY /

01/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE DISTRICT AND SESSIONS
JUDGE FOR EC AND NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
ALLINAGARAM POLICE STATION, THENI DISTRICT
- 3 THE OFFICER INCHARGE
DISTRICT JAIL, THEGAMPATTI, THENI.



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

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-9002[I] dated 30/07/2024)

ORDER
IN

CRL OP(MD) No.11407 of 2024

Date :30/07/2024

SS/SAR- /01/08/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023