



CRL OP(MD). No.12444 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2024

PRESENT

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

CRL OP(MD). No.12444 of 2024

Saravanan @ Bypass Saravanan,

... Petitioner/ A1

Vs

The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District,
(Crime No. 19 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Vignesh.K.,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabakar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec 483 of B.N.S.S and Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 19 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A1, who is facing a case for the offence under Sections 8(c) and



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22(c) of NDPS Act, 1985 in C.C.No.32 of 2024 on the file of the II Additional District Judge, Special Court for Essential Commodities Act, Thanjavur, in Crime No.19 of 2021 on the file of the respondent police, seeks bail.

2.The petitioner was absent during the trial in C.C.No.32 of 2024 before the II Additional District Judge, Special Court for Essential Commodities Act, Thanjavur. Therefore, Non-Bailable Warrant came to be issued on 30.04.2024 and the same was executed on 22.05.2024 and he is still in judicial custody.

3.The learned counsel appearing for the petitioner would submit that the petitioner belongs to remote village and also a seasonal worker. Due to failure of communication of the petitioner, he did not appear before the II Additional District Judge, Special Court for Essential Commodities Act, Thanjavur. Therefore, Non-Bailable Warrant was issued against him on 30.04.2024 and he was arrested and remanded in judicial custody on 22.05.2024. Hence, he prays for bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the investigation has been completed and the charge sheet has already been filed before



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the II Additional District Judge, Special Court for Essential Commodities Act, Thanjavur, and the case is pending for trial. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the fact that the case is pending for trial, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his 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 surety bond and the Judge/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 trial court on every hearing;



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

(v)the petitioner shall not abscond during trial.

(vi)On breach of any of the aforesaid conditions, the learned Judge/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 Judge/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/-
01/08/2024

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06/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN

TO

- 1 THE PRESIDING OFFICER,
SPECIAL COURT FOR ESSENTIAL COMMODITIES ACT, THANJAVUR.
- 2 THE INSPECTOR OF POLICE
KUMBAKONAM TALUK POLICE STATION, THANJAVUR DISTRICT
- 3 THE OFFICER INCHARGE
DISTRICT JAIL, NAGAPATTINAM.



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

+1. CC to M/S.VIGNESH.K. Advocate SR.No.9260 DATED 01/08/2024

ORDER
IN

CRL OP(MD) No.12444 of 2024
Date :01/08/2024

SS/SAR- /06/08/2024/5P/6C

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