



CRL OP(MD). No.13033 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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Pugal,
S/o.Anbazhagan,
No.72a/2, Petchiyamman
Kovil Street,C.Puthupatti,
Uthamapalayam,Theni District..

... Petitioner/ Accused No.5

Vs

The Inspector of Police,
NIB CID Police Station,
Theni District.
Crime No.5 of 2022..

... Respondent/Complainant

For Petitioner : M/s Jegadeesh Pandian.M,
Advocate.

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



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

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PRAYER :-

To release the Petitioner/Accused No.5 on bail in C.C.No.6 of 2023 on the file of the Learned I Additional Special Court for Trial of NDPS Act Cases, Madurai, in connection with Crime No.5 of 2022.

ORDER : The Court made the following order :-

The petitioner/A5, who is facing a case for the offence under Sections 5(1) r/w 6 of Protection of Children from Sexual Offences Act, 2012, in Spl.C.C.No.4 2020 on the file of the * I Additional Special Court for Trial of NDPS Act Case, Madurai, in crime No.187 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the other accused person were found in possession of 52 kg of Ganja. Hence, the complaint.

3.Heard both sides.

4.The petitioner is arrayed as accused No.5. In this case, the accused Nos.5 & 6 were absconding. In view thereof, the case was split up and A1 to A4 were tried. The trial court found that there was evidence only as against A1 and A2 since the



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contraband was recovered from them and convicted them and found no materials as against A3 and A4 and disbelieving the prosecution with reference to conspiracy, A3 and A4 were acquitted.

5.The learned counsel for the petitioner would submit that the petitioner was away only for working as a coolie. He would further submit that A6, is his father, who was already granted bail and attending the court regularly, the petitioner is also on the similar footing as that of A3 and A4, who were already acquitted.

6. Only considering the argument of the learned counsel for the petitioner that the petitioner is also placed on similar footing as that of A3 and A4, who were since acquitted by the trial court in the same case and also considering the fact that the accused No.6 is regularly attending the court, 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.25,000/- (Rupees Twenty Five Thousand only) each with one blood surety and one normal surety for a like sum each to the satisfaction of the I Additional Special Court for Trial of NDPS



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Act Cases, Madurai.

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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 appear before the respondent police for a period of 8 weeks and also appear before the trial Court for each and every hearing without fail;

(iii) the Investigation Officer shall follow the rules regarding the destruction of Ganja and duly furnish the destruction report before the trial Court;

(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 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



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

sd/-
13/08/2024

(*) Corrected as per order of this Court
dated 22.08.2024 in CRL OP(MD)
No.13033 of 2024.

/ TRUE COPY /

22/08/2024
Sub-Assistant Registrar (PA-I/ AD-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

**TO BE SUBSTITUTED WITH THE ORDER DATED 13/08/2024 ALREADY
DESPATCHED**

1. THE I ADDITIONAL SPECIAL COURT FOR TRIAL OF NDPS ACT CASES,
MADURAI
2. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI..
- 3.THE INSPECTOR OF POLICE,
NIB CID POLICE STATION,
THENI DISTRICT.

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



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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-9887[I] dated 13/08/2024)

ORDER
IN
CRL OP(MD) No.13033 of 2024
Date :13/08/2024

RK (14/08/2024) 6P / 6C

ED (22/08/2024) 6P / 6C

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