



CRL OP(MD) No.13650 of 2024

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

Saturday, the Seventeenth day of August Two Thousand and Twenty Four
PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN
CRL OP(MD) No.13650 of 2024

DEVADASAN

... PETITIONER/1ST ACCUSED

Vs

THE INSPECTOR OF POLICE,
PEW, ALANGUDI,
PUDUKOTTAI DISTRICT.
(CRIME NO.63 OF 2024)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.R.VENKATESAN, Advocate
For Respondent : MRS.M.AASHA, Govt. Advocate (Crl. Side)

PETITION FOR BAIL UNDER SEC 483 of BNSS

ORDER : The Court Made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Crl. Side] for the respondent.

2.The petitioner is in custody since 23.01.2024 in Cr.No.63 of 2024, registered on the file of the respondent for the offences under Sections 8(c), 20(b)(ii)(c) and 25 of NDPS Act. The petitioner is accused of possessing 140 Kgs of Ganja.

3.The case of the petitioner is that his brother died issueless yesterday [16.08.2024]. It is the petitioner who has to perform the final rites. The petitioner seeks

interim bail

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



CRL OP(MD) No.13650 of 2024

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4.The petitioner is accused of possessing commercial quantity of Ganja. His bail petition has to be tested in the light of Section 37 of the NDPS Act. The twin parameters laid down therein will have to be satisfied. The arguments advanced before me do not meet the said standard.

5.I am not in a position to grant interim bail because the present petition does not fulfil the twin parameters laid down in Section 37 of the Act. At the same time, some relief has to be granted to the petitioner. The petitioner's Counsel points out that it is the petitioner who alone can perform the final rites and there is no one else in the family.

6.To strike a balance, I direct the Superintendent of Prisons, Pudukkottai District Prison, where the petitioner is presently confined to take the petitioner under due escort to Vadakku Theru, Maravetti Valasai, Irumeni Panchayat, Uchipuli, Ramanathapuram District, so as to enable the petitioner to perform the obsequies ceremonies. It is stated that there is an another important ritual to be performed tomorrow [18.08.2024] morning 10.00 a.m. The petitioner will be taken out from the prison today itself at around 03.00 p.m., The learned Government Counsel is directed to intimate the Jail Superintendent through e-mail by sending the web copy of this order. The Jail Superintendent shall act thereon without waiting for the certified copy of the order. The petitioner is permitted to remain in his house and also attend to the



CRL OP(MD) No.13650 of 2024

related ceremonies till 11.30 a.m. tomorrow [18.08.2024]. He shall be brought back to Pudukkottai District Prison directly from the village. Since the petitioner is a remand prisoner, the escort cost will borne by the State.

7.The learned Government Advocate [Crl.Side] informs the Court that the petitioner is having a number of cases to his credit. It is stated that he was involved in as many as three murder cases. The case on hand is also very serious and grave. It is stated that the NDPS case is posted for framing charges on 19.08.2024. If the petitioner is absent, the case will be adjourned. It is therefore the duty of the escort party to ensure not only the safety of the petitioner but also ensure that he does not escape. All precautionary steps shall be taken.

8.This Criminal Original Petition is disposed of, by directing the Jail Superintendent concerned to take the petitioner under escort to his native village and bring him back by tomorrow [18.08.2024]. The petitioner can remain in his village from 06.00 p.m. today [17.08.2024] till 11.30 a.m. tomorrow [18.08.2024].

sd/-
17/08/2024

/ TRUE COPY /

17/08/2024
Sub-Assistant Registrar (J)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD) No.13650 of 2024

TO

WEB COPY

1 THE INSPECTOR OF POLICE, PEW, ALANGUDI, PUDUKOTTAI DISTRICT.

2 THE SUPERINTENDENT OF PRISONS, DISTRICT PRISON,
PUDUKKOTTAI DISTRICT.

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

COPY TO

THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
(EMERGENCY CASE TAKEN ON 17/08/2024)

+1 CC TO MR.R.VENKATESAN, ADVOCATE, SR-10042[I] Dated 17/08/2024

ORDER IN
CRL OP(MD) No.13650 of 2024
DATE : 17/08/2024

RS//SAR-(17.08.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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