



CRL OP(MD). No.14301 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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Mohamed Mubarak @ Thakkali Mubarak,

... Petitioner/ Accused No.7

Vs

The Inspector of Police,
Palakkarai Police Station,
Trichy City.
Crime No. 1199/2022.

... Respondent/Complainant

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

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- To enlarge the petitioner on bail in connection with the C.C.No.257 of 2023 on the file of the learned Additional District and Sessions Judge/Presiding Officer, Special Court Under EC Act Cases, Pudukkottai in connection with Crime No.1199 of 2022 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner/A7, who is facing a case for the offence under Sections 20(b)(ii)(C), 8(c), 25, 29(1) of NDPS Act, in C.C.No.257 of 2023 on the file of the learned Additional District and Sessions Judge/Presiding Officer, Special Court Under EC Act Cases, Pudukkottai, in Crime No.1199 of 2022 on the file of the respondent police, seeks bail.

2.The petitioner was absent during the trial in C.C.No.257 of 2023 on the file of the learned Additional District and Sessions Judge/Presiding Officer, Special Court Under EC Act Cases, Pudukkottai. Therefore, PT warrant came to be issued on 15.07.2024 and the same was executed on the same day itself. From onwards, he is in judicial custody.

3. Heard both sides.

4. In this case, PT warrant was issued against the petitioner on 15.07.2024. However, already formal arrest was made on 03.05.2024 in connection with another crime number. Originally charge sheet was filed as against 8 accused and the petitioner is arrayed as accused No.7. The case was split up as against the petitioner alone since he was absconding. The trial was proceeded in respect of the other accused and thereafter, they were acquitted.

5. In view thereof and in view of the arguments of the learned counsel for the petitioner that the petitioner was very much present and even as on date, he was in



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jail in connection with another case, 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 learned Additional District and Sessions Judge / Presiding Officer, Special Court Under EC Act Cases, Pudukkottai.

(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 report before the trial Court for each and every hearing without fail;

(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].



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229A IPC.

vi) If the accused thereafter abscond, a fresh FIR can be registered under Section

sd/-
30/08/2024

/ TRUE COPY /

30/08/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE / PRESIDING OFFICER,
SPECIAL COURT UNDER EC ACT CASES,
PUDUKKOTTAI.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.

3 THE INSPECTOR OF POLICE,
PALAKKARAI POLICE STATION,
TRICHY CITY.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-10632[I] dated 30/08/2024)

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ORDER
IN
CRL OP(MD) No.14301 of 2024
Date :30/08/2024

SA/SAR. /30.08.2024/5P/6C

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