



CRL OP(MD). No.16223 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16223 of 2024

Shanmugavel

... Petitioner/4th Accused

Vs

**The State of Tamil Nadu represented by
The Sub Inspector of Police Station,
B-4, Keeraithurai Police Station,
Madurai City, Madurai.
Crime No.105 of 2024.**

... Respondent/Complainant

For Petitioner : Mr.G.Prabhakaran, Advocate.

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

PETITION FOR BAIL UNDER SECTION 483 OF BNSS

PRAYER :-

For Bail in Crime No.105 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on

15.03.2024 for the offences punishable under Sections 8(c), 20(b)(ii)(c) and 29(i) of
<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.16223 of 2024

NDPS Act, in Crime No.105 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the other accused were found in possession of 25 kgs of Ganja. Hence, the complaint.

3.Heard both sides.

4.The case is serious in nature, involving the recovery of 25 kilograms of Ganja from the accused persons. As far as the petitioner herein is concerned, the petitioner is arrayed as accused No.4. The contention of the learned counsel for the petitioner is that except the confession of A1, there is absolutely no material on record. A1 is said to have mentioned his confession that on the night of 10.02.2024, this petitioner is said to have handed over the Ganja parcel to the first accused. But however, the said confession statement goes against the case of the prosecution in the connected Crime No.4 of 2024 being investigated by the NIB CID, Trichy, which has made an allegation in that case that on the relevant day, i.e., on 10.02.2024, the petitioner was in Andhra Pradesh for procuring ganja, which was transported in that case. When it is the specific case of one Investigating Authority that the petitioner was at Andhra Pradesh on the night of 10.02.2024, even the alleged confession cannot be true. In any event, there is no other material before the trial court, even though the final report is already filed.

5. On the above said argument, the case was also adjourned and opportunities



CRL OP(MD). No.16223 of 2024

were given to the learned Additional Public Preoscutor.

6. On a perusal of the final report as well as the counter affidavit filed by the respondent before this court, it is clear that the petitioner was arrayed as an accused on the strength of the confession of A1. Though the learned Additional public prosecutor would contend that the date mentioned in the confession statement may be wrong, even giving leeway to the prosecution with reference to that date, however, when A1 has confessed that he has got the contraband from A4, on the basis of the confession alone, the charge cannot be established against accused No.4. It can be seen that there is no other iota of material, which is placed along with the final report with reference to this petitioner and also considering the argument of the learned counsel for the petitioner that there is no material at all to prosecute, I am inclined to hold that the petitioner cannot be denied bail on the rigors of Section 37 of the NDPS Act and accordingly, 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 Principal Special Court for EC and NDPS Act Cases, Madurai.

(i) the sureties shall affix their photographs and left thumb impression in the



CRL OP(MD). No.16223 of 2024

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 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].

vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/10/2024

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19 / 10 /2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.16223 of 2024

TO
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- 1 THE JUDGE
PRINCIPAL SPECIAL COURT FOR EC AND NDPS ACT
CASES, MADURAI.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
- 3 THE SUB INSPECTOR OF POLICE,
B-4, KEERAITHURAI POLICE STATION,
MADURAI CITY, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.PRABAKARAN, Advocate (SR-12911[I] dated 22/10/2024)

+1 CC to M/s.G.PRABAKARAN, Advocate (SR-12855[I] dated 22/10/2024)

ORDER
IN
CRL OP(MD) No.16223 of 2024
Date :19/10/2024

PSP/ /SAR /19.10.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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