



CRL OP(MD). No.16725 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16725 of 2024

Vetrivel Pandi @ Dangaru

... Petitioner/ Accused No.4

Vs

The Inspector of Police,
Theppakulam Police Station,
Madurai City,
Cr.No.423 of 2023

... Respondent/Complainant

For Petitioner : Mr.J.Vijayaraja, 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 who is in judicial custody in C.C.No.158 of 2024 on the file of Learned IInd Additional District Judge, Special Court for NDPS Cases, Madurai in connection with Crime No.423 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 10.10.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 29(1) of

NDPS Act, in crime No. 423 of 2023 on the file of the respondent police, seeks bail.

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



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2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

3. The learned Additional Public Prosecutor would oppose the application for bail by stating that the contraband is commercial quantity and it is the petitioner who procured the same from Andhra Pradesh.

4. Considering the fact that the contraband is of commercial quantity, this Court repeatedly adjourned the matter to produce the materials which are gathered as against the petitioner / A4. The entire final report as filed before the trial Court is placed before this Court. On a perusal thereof, it can be seen that it is the case of the prosecution that the contraband is recovered from A1 to A3. It is stated that they have made a confession that A4 and A5 got the contraband to them by procuring it from Andhra Pradesh, but to establish the said fact, there is absolutely no material whatsoever which is there on record.

5. I have perused the final report. There are totally 9 witnesses, who are all the official witness and witness to the seizure Mahazar and the Investigating Officer etc. The list of documents filed are the First Information Report and the Mahazars and the analysis report etc., Therefore, the learned counsel for the petitioner contended that there is no documentary or oral evidence to point out towards the commission of



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crime by this accused. Considering the argument of the learned counsel for the petitioner and considering the fact that the petitioner is in prison from 10/10/2023, I am inclined to enlarge the petitioner on bail.

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.25,000/- (Rupees Twenty Five Thousand only) with two sureties (out of which one should be blood surety) each for a like sum to the satisfaction of the learned II Additional District Judge, Special Court for NDPS Cases, Madurai.

(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 attend all the hearing of the case without fail and keep the Investigating Officer informed of his whereabouts continuously.

(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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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(vi)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
16/10/2024

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16/10/2024

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

trp
TO

- 1 THE II ADDITIONAL DISTRICT JUDGE,
SPECIAL COURT FOR NDPS CASES, MADURAI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE, THEPPAKULAM POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.VIJAYARAJA, Advocate (SR-12477[I] dated 16/10/2024)

ORDER IN
CRL OP(MD) No.16725 of 2024
Date :16/10/2024

RS//SAR-(16.10.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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