



CRL OP(MD)No.18034 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.18034 of 2024

Manakarai Pandi @ Esakki Pandiyan

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Pettai Police Station,
Tirunelveli District,
(Crime No.07/2024.)

... Respondent/ Complainant

For Petitioner : Mr.V.Kathirvel,
Senior Advocate
for Mr.K.Prabhu,
Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in (*)CC.No.209 of 2024 on the file of the learned Principal Special Court for Trial of Narcotic Drug and Psychotropic Substances Act Cases, Madurai, in Crime No.07/2024 on the file of the respondent police

ORDER : The Court made the following order :-



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The petitioner/ Accused, who is arrested and remanded to judicial custody on 07.01.2024 for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(c), 29(1) and 25 of NDPS Act, 1985, in Crime No.07 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found to be in illegal possession of 25 kilograms of ganja. Hence, the complaint.

3.Heard the learned counsel on either side and perused the material records of the case.

4.Considering the nature of allegations in this case that the contraband of commercial quantity was recovered only from A3 to A7 and the petitioner/A-2 herein is said to have purchased ganja from Andhra Pradesh, but however, considering the argument of the learned Senior Counsel for the petitioner that except the confession of A3 to A7, there is no other material which is placed along with the final report which is already filed and considering the fact that the petitioner is in judicial custody from 07.01.2024 and that it may take a little while for the trial to conclude, I am of the view that the petitioner prima facie established that he can be considered out of the rigour under Section 37 of NDPS Act, I am inclined to enlarge the petitioner on bail with certain conditions.

5.Accordingly, this Criminal Original Petition is allowed and the petitioner is



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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 Principal Special Court for trial of NDPS Act 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 hearings in (*)CC.No.209 of 2024, without fail and except the date of hearing, the petitioner shall report before the respondent police daily at 10.30 a.m.,for a period of three weeks and thereafter, as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

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

sd/-
24/10/2024

(*)Corrected as per order of this Hon'ble Court in
CRL OP(MD).18034/2024 dated 28/10/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar (I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR

To

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
24/10/2024

1.THE JUDGE,
SPECIAL COURT FOR TRIAL OF NDPS ACT CASES,
MADURAI.

2.THE INSPECTOR OF POLICE,
PETTAI POLICE STATION,
TIRUNELVELI DISTRICT.

3.THE OFFICER INCHARGE,
SUB JAIL, PERAVOORANI,
THOOTHUKUDI DISTRICT.

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



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+1 CC to M/s.K.PRABHU, Advocate (SR-13102[I] dated 24/10/2024)

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ORDER

IN

CRL OP(MD) No.18034 of 2024

Date :24/10/2024

ED/ /SAR- (24/10/2024) 5P / 6 C

RS/ /SAR- (06/11/2024) 5P / 6 C

Madurai Bench of Madras High Court is issuing
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