



CRL OP(MD)No.18434 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD)No.18434 of 2023

Kodeeswaran,

... Petitioner/ Accused No.6

Vs

**The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
Crime No. 625 of 2022.**

... Respondent/ Complainant

For Petitioner : M/s.Paul Kanagaraj R.C., Advocate.

For Respondent : Mr.Ravi, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.625 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 19.07.2023 for the offence punishable under Sections 8(c), 20(b)(ii)(c), 29(1) and 25

NDPS Act in Crime No.625 of 2022, on the file of the respondent Police, seeks bail.

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2.The case of the prosecution is that on 17.10.2022 based on the secret information, the respondent police intercepted two vehicles bearing Reg.Nos.TN 01 BF 7616 Innova Car and TN 22 DF 3510 Mahindra XUV car, in which, A1 to A4 were travelling along with contraband weighing 440 kgs of ganja. When the police party stopped the car, A4 escaped from the scene of occurrence and the police party caught hold A1 to A3 and they conducted search on the cars. In search, it was found that the accused persons were in illegal possession of 440 kgs of ganja. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is running travel agency in the name, Classy Call Driver and he rented out vehicles to A5 and the same were misused by other accused, without knowledge of the petitioner herein. Except confession statement, there is no other incriminating materials to implicate the petitioner as an accused. He would further submit that the petitioner was arrested and remanded to judicial custody on 19.17.2023. Hence, he prayed for bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that admittedly, the contraband was recovered from A1 to A3, weighing about 440 kgs, which is commercial quantity. He would further submit that A5 & A6 are master brain behind this crime and they given the vehicles to A1 to

A4 to purchase ganja from Anthrapradhesh and transport the same to Srilanka
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through Ramanathapuram. He would also submit that there are call details available and the petitioner and other accused persons frequently called each other. That apart, the quantity seized by the respondent police is commercial quantity and the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. Hence, he prayed to dismiss this bail petition. However, he would fairly submit that there is no previous case pending as against the petitioner.

5.It is not in dispute that 440 kgs of ganja was recovered in two vehicles from A1 to A3. It is also not in dispute that the petitioner herein is running a travel agency. It is the submission of the learned counsel appearing for the petitioner that the petitioner has no knowledge about the illegal transportation of ganja. However, the prosecution claimed that A5 and A6 are only the master-brain behind this crime and call details are available. Except call details, there is no money transaction between A6 and other accused persons and the same was not established before this Court. That apart, there is no previous case pending as against the petitioner.

6.Considering the above facts and circumstances of the case and period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing a

bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each

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for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Dindigul/Special Court for NDPS Act Cases, Madurai and on further conditions that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner is directed to appear before trial Court for each and every hearing dates without fail. If the petitioner failed to appear before the trial Court in anyone of the hearings, the bail granted by this Court shall stand vacated automatically;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]; and;

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

229-A IPC.

sd/-
10/01/2024

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11/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

- 1 THE JUDICIAL MAGISTRATE NO.1
DINDIGUL/SPECIAL COURT FOR NDPS ACT CASES
MADURAI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, DINDIGUL.
- 4 THE INSPECTOR OF POLICE
DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.R.C.PAUL KANAGARAJ, Advocate (SR-501[I] dated 10/01/2024)

ORDER

IN

CRL OP(MD) No.18434 of 2023

Date :10/01/2024

PKP/SAR- /11.01.2024/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified
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