



CRL OP(MD)No.18613 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.18613 of 2024

Subash

... Petitioner/4th Accused

Versus

State Rep. by
The Inspector of Police,
Authoor Police Station,
Tuticorin District.
(Cr.No.241 of 2021)

...Respondent/ Complainant

For Petitioner: M/S.D.Venkatesh

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.241 of 2021 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 02.09.2024 for the offences punishable under Sections 8(C) and 20(b)(ii)(B) of Narcotic Drugs & Psychotropic Substances Act, in crime No.241 of 2021, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the petitioner and the other accused were in illegal possession of 1.100 Kgs of ganja.

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 petitioner and the other accused were found to be an illegal possession of 1.100 Kgs of ganja and that earlier he was released on bail and now the trial is in progress and when the trial is in questioning stage, he did not appear before the Court on 29.08.2024 and the 317 application, which was filed, was dismissed and the petitioner surrendered before the trial court on 02.09.2024, I am inclined to enlarge the petitioner on bail with certain conditions.

5.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 District and Sessions Court (Communal Clash Cases Court), 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 report before the respondent police daily at 10.30 a.m., for



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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].

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

sd/-
28/10/2024

/ TRUE COPY /

28/10/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO
1 THE DISTRICT AND SESSIONS
JUDGE (COMMUNAL CLASH CASES COURT), MADURAI.



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2 THE OFFICER INCHARGE,
DISTRICT JAIL, PERURANI, THOOTHUKUDI.

3 THE INSPECTOR OF POLICE,
AUTHOOR POLICE STATION, TUTICORIN DISTRICT.

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

ORDER IN
CRL OP(MD) No.18613 of 2024
Date :28/10/2024

SA/SAR. /28.10.2024/4P/5C

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