



Crl.O.P.(MD)No.18883 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.11.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.18883 of 2024

Barath @ Barathi

... Petitioner/
Accused No.8

Vs.

The State of Tamilnadu,
Rep. by, the Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.
Crime No. 164/2023.

... Respondents
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to enlarge the petitioner on bail in connection with the case in C.C.No.160 of 2024 on the file of the learned Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai in Crime No.164 of 2023.

For Petitioner : Mr.A.Mohamed Haneef

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

This petition is filed to enlarge the petitioner on bail in connection with the case in C.C.No.160 of 2024 pending on the file of the learned Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai.

2.The case of the prosecution is that on 08.05.2023, at about 12.30 hours, based on the information received by the Sub-Inspector of Police, a vehicle check-up was conducted at Thiruchendur – Tirunelveli road near Kumarapuram. At that point of time, a vehicle was identified and on seeing the police party, the accused person fled the scene. On search of the vehicle, 120 kilograms of 'Ganja' was found in three gunny bags and the same was also seized. There are total ten accused persons in this case and the petitioner has arrayed as A8 in the First Information Report and in the final report, he has been arrayed as A9.



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3.Heard Mr.A.Mohamed Haneef, learned counsel for the petitioner and Mr.s.Ravi, learned Additional Public Prosecutor appearing on behalf of the respondent.

4.It is seen from records that all the other accused persons have been enlarged on bail. Insofar as the petitioner is concerned, he previously filed two anticipatory bail petitions before this Court and both the petitions were dismissed as withdrawn. Ultimately, the petitioner was able to be secured by the respondent police only on 05.10.2024 pursuant to a non-bailable warrant that was issued by the Court below in C.C.No. 160 of 2024.

5.Taking into consideration the facts and circumstances of the case and also considering the fact that all the other accused persons were enlarged on bail and the case is now pending before the Special Court, Madurai, this Court is inclined to to grant bail to the petitioner subject to the following conditions:



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6. 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 for a like sum to the satisfaction of the Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances 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 shall report before the Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai, daily at 10.30 a.m. till the charges are framed by the Court. Thereafter, the petitioner shall appear during every date of hearing without fail;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

14.11.2024

NCC	:	Yes
Index	:	Yes
Internet	:	Yes
PKN		



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To

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- 1.The Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.
- 2.The Superintendent,
Central Prison,
Palayamkottai.
- 3.The Principal Special Court for Trial
of Narcotic Drugs and
Psychotropic Substances Act Cases, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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N.ANAND VENKATESH,J.

PKN

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Dated: 14.11.2024