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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19315 of 2024

C.Siva,

... Petitioner/ Accused No.8

Vs

State of Tamil Nadu,
Rep By,
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.
Crime No.727/2019.

... Respondent/Complainant

For Petitioner : Mr.Na.Manimaran,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

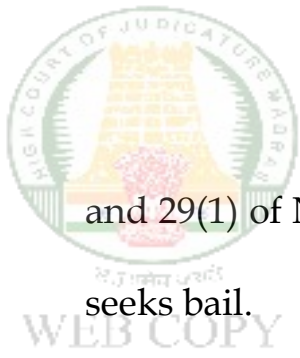
PRAYER :-

For Bail in Crime No.727/2019 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.8, who was arrested and remanded to judicial

custody on 25.04.2024 for the alleged offence under Sections 8(c) r/w. 20(b)(ii)(C), 25



and 29(1) of NDPS Act, in Crime No.727 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.12.2019, the respondent police recovered 213 Kgs of ganja from A1 to A5. Based on their confession statements, the involvement of other accused persons was also ascertained. There are totally 8 accused persons in this case and the petitioner has been arrayed as A8.

3. The learned counsel for the petitioner submitted that the petitioner has been roped in this case only based on the confession of A7. It was further submitted that a false case has been foisted against the petitioner and that the petitioner has suffered incarceration from 25.04.2024.

4. The learned Additional Public Prosecutor (Criminal Side), based on the counter affidavit filed by the respondent police, submitted that the FIR was registered in this case in the year 2019. In the course of investigation, it came to light that A6 to A8 used to procure the contraband from Andhra Pradesh and hand over them to the rest of the accused persons for distribution and selling in Tamil Nadu. He further submitted that an absconding charge sheet was filed before the I Additional Special Court for NDPS Act Cases, Madurai and it was taken on file in C.C. No. 152 of 2020. The NBW was also issued against the petitioner and he was able to be ultimately arrested only on 24.04.2024 at Bangalore. Hence, it was submitted that the petitioner was not able to be traced for nearly 5 years from the



date of occurrence. He further submitted that the earlier bail petition filed by the petitioner in CrI.OP(MD). No.13277 of 2024 was dismissed as withdrawn, since this Court was not inclined to entertain the petition. Therefore, the learned Additional Public Prosecutor vehemently opposed grant of bail to the petitioner.

5. This Court has carefully considered the submissions made on either side and perused the materials placed on record.

6. The case of the petitioner, who has been arrayed as A8, is akin to the case of A6 and A7. These accused persons are said to have procured ganja from Andhra Pradesh and sold it to A1 to A5. There is also one previous case against the petitioner in Andhra Pradesh which was registered in the year 2019. The petitioner has been arrayed as an accused mainly based on the confession of A7.

7. All the other accused persons have been enlarged on bail in this case. In fact, the bail application filed by A7 in CrI.OP(MD). No. 6686 of 2024 was allowed by this Court by order dated 11.06.2024 by considering the fact that the investigation has been completed and final report was filed and the case was pending before the Court. Even in that case, A7 was remanded to judicial custody pursuant to a PT warrant. A7 also has previous cases against him. In view of the same, the case of the petitioner must also be dealt in line with the case of A6 and particularly A7. When all the other accused persons have already been enlarged on bail, there is no reason to continue the incarceration of the petitioner.



8. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from 25.04.2024 and all the other accused persons have already been granted on bail, this Court is inclined to grant bail to the petitioner subject to the following conditions.

9. Accordingly, the petitioner is ordered to be released on bail on their 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 I Additional Special Court to Trial of 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 shall appear before the respondent police daily at 10.30 a.m. until further orders.

[c] the petitioner shall appear before the Trial Court during all hearing dates without filing any application to dispense with for appearance. On the dates when appears before the Trial Court, the petitioner need not to be appeared before the respondent police.

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

<https://www.mhc.tn.gov.in/> [e] the petitioner shall not abscond either during investigation or trial.



[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
20/11/2024

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/ /2024

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

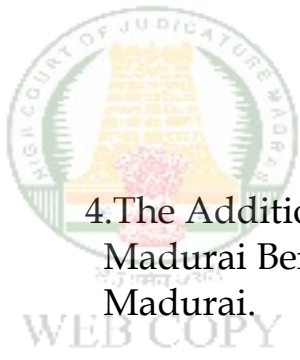
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TO

1.The I Additional Special Court
to Trial of NDPS Act Cases,
Madurai.

2.The Officer-in-Charge,
District Jail,
Dindugul.

3.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s. NA.MANIMARAN, Advocate(SR- 14310[I] dated 21/10/2024)

ORDER
IN
CRL OP(MD) No.19315 of 2024
Date :20/11/2024

KVL/20.11.2024 6P/6C

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