



CRL OP(MD). No.19638 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Umesh,
S/o.K.Chellappa

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu
represented by the Inspector of Police,
Manur Police Station,
Tirunelveli District.
(Crime No.634 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.V.Sasi Kumar,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS,2023.

PRAYER :-

For Bail in Crime No.634 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.2, who was arrested and remanded to judicial



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custody on 30.08.2024 for the alleged offences under Sections 4(1)(a), 4(1)(c) of the Tamil Nadu Prohibition Act and Sections 8(c) r/w. 20(b)(ii)(B) of NDPS Act, in Crime No.634 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 was found in possession of 7 Kgs of ganja and he was arrested and he confessed that the petitioner (A2) only had supplied ganja. In this case, the petitioner was arrested on 28.09.2024.

3. The learned Additional Public Prosecutor (Criminal Side), on instructions, submitted that the petitioner has 21 previous cases, out of which, 4 cases are under the NDPS Act. He further submitted that out of the 4 cases, the petitioner has been convicted in one case after pleading guilty. The other 3 cases are pending trial.

4. The learned Additional Public Prosecutor submitted that the petitioner was arrested in the course of investigation in Crime No.634 of 2024 on 25.09.2024. In that case, A1 was found in possession of 7 Kgs of ganja and he confessed that it is the petitioner who had supplied ganja. He further submitted that the petitioner was also involved in another case in Crime No.9 of 2022 and he was A3 in that case. In that case, A1 and A2 were found in possession of 4 Kgs of ganja and the car in which the contraband was taken stood in the name of the petitioner. A1 was the brother of the petitioner in that case. In Crime No.9 of 2022, the petitioner was formally arrested on 08.10.2024 when he was already in judicial custody in Crime No.634 of 2024. Insofar



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as Crime No.9 of 2022 is concerned, the investigation was completed and the case is now pending in C.C.No.404 of 2023 before the learned Principal Special Court for NDPS Act Cases, Madurai.

5. Therefore, the learned Additional Public Prosecutor vehemently opposed the grant of bail to the petitioner on the ground that the petitioner has bad antecedents and he was involved in 4 previous cases for offences under the NDPS Act.

6. Per contra, the learned counsel for the petitioner submitted that a false case has been foisted against the petitioner since there are some previous cases against the petitioner. The learned counsel further submitted that in 2 cases that have been registered against the petitioner, the petitioner has been implicated as an accused based on the confession of the co-accused. He further submitted that the petitioner has suffered incarceration from 25.09.2024.

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

8. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has been roped in this case based on the confession of the co-accused and also considering the fact that the petitioner has suffered incarceration from 25.09.2024 and taking note of the previous cases against



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the petitioner, 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 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 learned Principal 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 shall report before the learned Principal Special Court for NDPS Act Cases, Madurai daily at 10.30 a.m. until further orders except on the days when the petitioner has to attend to other pending cases before other Courts.

[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



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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 269 of BNS, 2023.

sd/-
28/11/2024

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28/11/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1.The Principal Special Court for NDPS Act Cases,
Madurai.
- 2.The Superintendent,
Central Prison,
Palayamkottai.
- 3.The Inspector of Police,
Manur Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.SASI KUMAR, Advocate (SR-14676(I) dated 28/11/2024)

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ORDER
IN
CRL OP(MD) No.19638 of 2024
Date: 28.11.2024

SL(28.11.2024)/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.