



CRL OP(MD). No.19960 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Anbalagan,

... Petitioner/ Accused No.6

Vs

**The Inspector of Police,
Nib Cid Police Station,
Theni District.
Cr.No.6/2023.**

... Respondent/Complainant

**For Petitioner : M.Jegadeesh Pandian,
Advocate.**

**For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor**

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

PRAYER :-

**To enlarge the petitioner on bail in C.C.No.6 of 2023 on the file of the learned I
Additional Special Court for Trial of NDPS Act Cases, Madurai.**

ORDER : The Court made the following order :-

**The petitioner/ Accused, who was arrested and remanded to judicial custody
on 30.09.2021 for the offences under Sections 8(c) r/w 20(b)(ii)(C), 29(1) and 25 of**



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NDPS Act in Crime No.6 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.08.2021, based on the secret information, the police party attached to Cumbum North Police Station went to Kombai Road, near Nagakanniamman Kovil and found that four persons were travelling in two two-wheelers bearing Registration No.TN-60-U-3647 and TN-39-CB-7241 CD 100. On seeing the police persons, the persons behind the vehicles fled away from the scene of occurrence. The police team had caught hold the riders, viz., Sundarapandi and Sundar along with two vehicles and other two persons fled away from the place. While so, another person by name Sundar also fled away from the scene of occurrence by dropping a gunny bag and from the two wheelers, they recovered 27kgs of Ganja and 25kgs of Ganja, totally 52 kgs of Ganja and lodged a criminal case against the petitioner.

3.The learned Counsel for the petitioner submitted that the petitioner is arrayed as A6 and his name was not found in the FIR and the Law Enforcing Agency filed absconding charge sheet as against the petitioner and A5 and in this case A1 and A2 were already convicted and A3 and A4 were acquitted and no recovery was made from the petitioner and no previous case is pending against him and based on the

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absconding charge sheet, the petitioner was arrested and remanded to judicial custody. Hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor for the State submits that based on the confession of the other accused persons, the petitioner was implicated in this case and since the petitioner has not co-operated for the trial and absconded, the absconding charge sheet was filed. Subsequently, the petitioner was secured by the respondent police and the total contraband ie., 52kgs was recovered from the joint possession of the petitioner and accordingly, he prayed for dismissal of this petition.

5.Heard the learned counsel on either side.

6.The facts in the present case are not in dispute. As per the FIR, only four persons travelled in two wheelers, from them 25kgs and 27kgs, totally 52kgs of Ganja was recovered from them and the petitioner was implicated based on the confession of the other accused persons and the petitioner has not co-operated for the trial and absconded and hence, the respondent police filed absconding charge sheet as against the petitioner and A5 and in this case A1 and A2 were already convicted and A3 and A4 were acquitted and no recovery was made against the petitioner.



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7.Considering the above facts and circumstances of the case and also considering the fact that no recovery was made from the petitioner, Court is inclined to grant bail to the petitioner with certain conditions:

8. Accordingly, this Criminal Original Petition is ordered and 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 I Additional Special Court for 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 is directed to appear before the concerned Court on all hearing dates at 10.30 a.m., until further orders;

(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



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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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/01/2024

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03/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE I ADDITIONAL SPECIAL JUDGE
FOR TRIAL OF NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
NIB CID POLICE STATION, THENI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI DISTRICT.



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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-37[I] dated 03/01/2024)

ORDER
IN
CRL OP(MD) No.19960 of 2023
Date :02/01/2024

PKP/SAR- /03.01.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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