



CRL OP(MD). No.20303 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Rajkumar David

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Deputy Superintendent of Police
NIBCID Police,
Madurai City.
(Crime No. 93/2011)

... Respondent/Complainant

For Petitioner : Mr.G.Karuppasamy Pandian, Advocate
for Mr.S.Sivailayaraja, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner/ Accused-2 on bail in C.C No. 152/2024 pending on the file of this Honourable Court in Crime No. 93/2011 on the file of the respondent police and thus render justice.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody



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on 30.10.2024 for the alleged offences under Sections 8(c), 21(b) of NDPS Act, 1985, in Crime No.93 of 2011, on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on secret information, the police party on 06.06.2011 at about 03.45p.m., intercepted the accused person and he was found in possession of 100 grams of heroin. There are totally 2 accused persons in this case and the petitioner has been arrayed as A2.

3. In this case, investigation has been completed and police report was filed before the Special Court, Madurai and the same was taken on file as C.C.No.152 of 2024. The petitioner, who is arrayed as A2 was not secured by the police right from the date of incident. Ultimately, the petitioner was able to be secured only in the month of October, 2024. Thereafter, he was produced before the Court and the petitioner was remanded to judicial custody on 30.10.2024.

4. When the matter came up for hearing on 22.11.2024, the learned Additional Public Prosecutor submitted that the petitioner is a Srilankan refugee and that the petitioner was not able to be secured right from the beginning and ultimately, they were able to secure him only in the month of October, 2024, when the petitioner was about to board a Plane.

5. The above submission was vehemently opposed by the learned counsel for the petitioner and in order to substantiate the same, various documents were



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produced before the Court to show that the petitioner is very much an Indian citizen and he is living with his family in India.

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6.Considering the above submission, this Court passed the following order on 22.11.2024:

“Heard the learned Counsel appearing on either side.

2.The matter involves seizure of 100 gm of heroin from A1.

The petitioner has been arrayed as A2 on the ground that he only supplied the heroin to A1. The FIR is of the year 2011.

3.The learned Additional Public Prosecutor submitted that the petitioner was able to be secured only in the month of October 2024. That apart, it is contended by the learned Additional Public Prosecutor that the petitioner is a Sri Lankan refugee and he was able to be secured only after LOC was issued against him.

4.The learned Counsel for the petitioner submitted that the petitioner is very much an Indian citizen and to substantiate the same, passport, Aadhar card and PAN card issued in the name of the petitioner was relied upon. That apart, the learned Counsel also relied upon the community certificate that was issued in the name of the daughter of the petitioner by the Head Quarters Deputy



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Tahsildar, Madurai North. 5.The learned Additional Public Prosecutor shall direct the respondent police to get a genuineness certificate from the Head Quarters Deputy Tahsildar, Madurai North to confirm as to whether such a community certificate was given in favour of the petitioner's daughter.

6.Post the matter on 29.11.2024.”

7.This Court wanted to verify the genuineness of one of the Certificate, that was relied upon by the petitioner and called for a report from the Tahsildar, Madurai North.

8.Accordingly, when the matter came up for hearing today, the report of Tahsildar, Madurai North was produced before the Court. The revenue authorities have given a report stating that the Community Certificate that was shown before this Court is a genuine document and that this Certificate was issued in favour of the daughter of the petitioner.

9.Heard the learned counsel on either side and perused the material records of the case.

10.Taking into consideration the facts and circumstances of the case and considering the various materials that have been placed before this Court and



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having prima facie found that the petitioner is very much an Indian citizen and considering the fact that the petitioner has suffered incarceration from 30.10.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions:

11. 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 Judge, Principal Special Court for NDPS Cases, Madurai, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the learned Judge, Principal Special Court for NDPS Cases, Madurai daily 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 Judge/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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in

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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/-
03/12/2024

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03/12/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

To

1.The Judge,
Principal Special Court for NDPS Cases, Madurai.

2.The Deputy Superintendent of Police,
NIB CID Police,
Madurai City.

3.The Superintendent,
Central Prison, Madurai.

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

+1 CC to M/s.S.SIVA ILAYARAJA, Advocate (SR-14839[I] dated 03/12/2024)



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ORDER

IN

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Date :03/12/2024

ED/ /SAR- (03/12/2024) 7P / 6C

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