



CRL OP(MD). No.20465 of 2023

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THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.01.2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.20465 of 2023

Manikandan

... Petitioner/ Accused No.8

Vs

**The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
Crime No.03 of 2023**

... Respondent/Complainant

For Petitioner : Mr.N.Manimaran, Advocate.

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

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

PRAYER :-

To release the petitioner/A8 on bail in Crime No.03 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A8, who was arrested and remanded to judicial custody on 30.09.2021 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29



CRL OP(MD). No.20465 of 2023

(i) of NDPS Act in Crime No.03 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.01.2023 at 11.30 hours, based on the secret information received by the Sub-Inspector of Police, the respondent police conducted raid near Balu shop, Pattiveeranpatti to Ayyankottai Road, at that time, A1 was came in the Yunova Car along with contraband and the same was seized from him. Thereafter, based on his confession, raid was conducted in the house of the petitioner and recovered 4kgs of Ganja from the petitioner's house by the respondent police. Hence, the present case has been registered against the petitioner.

3.The learned Counsel for the petitioner submitted that even a bare perusal of the FIR would reveal that the accused was in possession of the contraband and further, the petitioner's son Alagupandi/A6 and Sathya/A7 went to Andrapradesh and purchased huge quantity of Ganja and distributed to the other accused persons. The petitioner is the father of A6 and he has been falsely implicated in this case and he is aged about 62 years. No recovery was made from the petitioner and he is under the care and control of A6, who is the son of the petitioner and the contraband was recovered from the petitioner's house only and not from the petitioner. Hence, he seeks for grant of bail to the petitioner.



CRL OP(MD). No.20465 of 2023

WEB COPY

4.The learned Additional Public Prosecutor for the State submits that on an earlier occasion, the very same petitioner filed Crl.O.P.(MD) No.3947 of 2023 and the same was dismissed by this Court on 20.03.2022 on the ground that the petitioner has possessed 4kgs of Ganja. Accordingly, he opposed to grant of bail to the petitioner. However, he fairly conceded that no previous case is pending against the petitioner and A7 was enlarged on bail by this Court in Crl.O.P.(MD) No.4293 of 2023 on the ground that she gave birth to a female child. He would further submit that the investigation was completed and the charge sheet has already been filed before the concerned Court and the same was taken on file in C.C.No.659 of 2023.

5.This Court perused the FIR as well as the confession statement made by the other accused and on perusal of the same, no recovery was made from the petitioner and the petitioner is aged about 62 years and he is under the care and control of his son/A6 and as per the confession statement made from A1, the petitioner's son and A7 went to Andrapradesh and purchased huge quantity of Ganja and distributed through the other accused persons and even the distribution was not made through the petitioner and the same was properly adjudicated by the earlier order of this Court.

6.Considering the age of the petitioner and he is not having any previous case and no recovery was made from him and A7 was already enlarged on bail by this



CRL OP(MD). No.20465 of 2023

Court, Court is inclined to grant bail to the petitioner with certain conditions:

7. 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 Principal Special Court for EC and 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 without fail;

(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 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;

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.20465 of 2023

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

229-A IPC.

sd/-
03/01/2024

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

SJI
TO

- 1 THE PRINCIPAL SPECIAL JUDGE
FOR EC AND NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT
DISTRICT JAIL, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.20465 of 2023
Date :03/01/2024

PKP/SAR- /03.01.2024/ 5P/ 5C
Madurai Bench of Madras High Court is issuing certified
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