



CRL OP(MD). No.20607 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Rajesh

... Petitioner/ Accused No.4

Vs

The State of Tamil Nadu
represented by the Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.272 of 2023)

... Respondent / Complainant

For Petitioner : Mr.D.Venkatesh, Advocate.

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

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

PRAYER :-

For Bail in Crime No.272 of 2023 on the file of the respondent Police.



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ORDER: The Court made the following order :-

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The petitioner / Accused No.4, who was arrested and remanded to judicial custody on 02.10.2024 for the alleged offences under Sections 8(c), 20(b)(ii)(C) and 25 of the NDPS Act, in Crime No.272 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the Village Administrative Officer, M.R.Pattinam found a BOLERO pick up van parked in a Government poromboke land. On verifying the same, he found 3 gunny bags kept between 5 big fish boxes. He immediately informed the same to the Deputy Tahsildar, Thiruvadanai and also to the Sub-Inspector of Police, Thondi Police Station. Based on that information, they came to the spot and upon search, they found 105 kgs of ganja in 3 gunny bags and each gunny bag carried 35 kgs. Thereafter, an FIR came to be registered. On further investigation, it was found that A1 to A6 conspired together and purchased 105 kgs of ganja from Theni with a motive to sell the same. A1 to A3 are said to have driven the BOLERO pick up van from which the contraband was seized. While doing so, A4 was driving a bike and A5 was driving a car and they were piloting to A1 to A3 and informed about the movements of the police. Immediately, after they were informed about the movements of the police, A1 to A3 escaped from the scene of occurrence in auto. On verifying the CCTV footages, it was found that A1 to A3 had



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engaged the auto. They were arrested and based on their confession, the involvement of the other accused persons came to light. The investigation was completed and this petitioner was shown as an absconding accused and NBW was issued and the petitioner was able to be arrested only on 02.10.2024. There are totally 7 accused persons in this case and the petitioner has been arrayed as A4.

3. The learned counsel for the petitioner submitted that the petitioner has nothing to do with the alleged offence and that he was not found in possession of ganja and no material has been put against the petitioner other than the so-called confession of A1 to A3. He further submitted that the petitioner has suffered incarceration from 02.10.2024 and that there are no previous cases against the petitioner.

4. The learned Additional Public Prosecutor (Criminal Side), on instructions, submitted that in the instant case, it was the petitioner who was giving information to A3 about the movements of the police and he was piloting A1 to A3 while driving in his two wheeler and thereby, helped A1 to A3 carrying a total quantity of 105 kgs of ganja in the vehicle. This vehicle was ultimately abandoned in a Government land and the entire contraband was seized. He further submitted that A1, A2 and A6 are yet to be secured in this case and NBW is pending against them. That apart, A3 and A5 were granted statutory bail and A7 was also granted bail.



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5. This Court has carefully considered the submissions made on either side and the materials available on record and also the counter filed by the respondent.

6. In the case in hand, there was no recovery from the petitioner. The overtact attributed against the petitioner is that the petitioner was piloting the vehicle in which A1 to A3 are said to be carrying 105 kgs of ganja. That apart, during the course of investigation, it was found that the mobile phone tower location of the petitioner was within 2 km radius from the presence of A1 to A3 and at the relevant time, the petitioner had also made phone calls to A3. Apart from that, the confession of A1 to A3 has been put against the petitioner.

7. A3 and A5 were enlarged on statutory bail and A7 was also granted bail. This petitioner was shown as an absconding accused in the final report and based on NBW issued by the Court below, the petitioner was arrested and remanded to judicial custody on 02.10.2024.

8. Taking into consideration the facts and circumstances of the case and considering the materials that are available against the petitioner and also considering the fact that the petitioner has a case which can be contested on merits and also taking note of the fact that the petitioner has suffered incarceration from 02.10.2024 and there are no previous cases against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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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 Additional District and Sessions Judge (Special Court for E.C. & NDPS Act Cases), Pudukkottai, 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 learned Additional District and Sessions Judge (Special Court for E.C. & NDPS Act Cases), Pudukkottai during every date of hearing 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 269 of BNS, 2023.

sd/-
10/12/2024

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10/12/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

To

- 1.The Additional District and Sessions Judge,
Special Court for EC and NDPS Act Cases,
Pudukkottai.
- 2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
- 3.The Officer Incharge,
District Jail,
Pudukkottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.20607 of 2024
Date :10/12/2024



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ED/~~Madurai~~/SAR- (10/12/2024) 7P / 5C

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