



CRL OP(MD). No.21509 of 2024

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

Date : 16/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Dhanaraj

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(Cr. No. 268 of 2024).

... Respondent/Complainant

For Petitioner : Mr.G.Karuppasamy Pandian, Advocate
For MR.P.Senguttuarasan, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 268 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial



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custody on 27.07.2024 for the offences under Sections 8(c), 22(C), 20(b)(ii)(A) of NDPS Act in Crime No.268 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on a secret information received on 27.07.2024 and recording the same in the General Diary and sending a communication to the Inspector of Police and after obtaining prior permission, the police party went to the spot. The petitioner was caught red handed and he was found to be in possession of 60 grams of magic mushroom and 70 grams of Ganja kept in two separate polythene covers. A detailed report was submitted under Section 57 of the Act and the FIR came to be registered.

3.The petitioner filed a petition in CrI.O.P(MD)No.15148 of 2024 seeking for enlargement on bail and the said petition was dismissed by order, dated 21.10.2024. This is the second bail petition filed before this Court.

4. Heard the learned Counsel appearing on either side.

5.This bail petition has been filed on the strength of two orders that were passed by this Court in CrI.O.P(MD)No.19504 of 2024, dated 27.11.2024 and the subsequent order passed in CrI.O.P(MD)No.19589 of 2024, dated 03.12.2024. In the later order, a specific reference was also made to the earlier order passed in the Case in CrI.O.P(MD)No.15148 of 2024, wherein, I had held that this Court while exercising bail jurisdiction cannot act on informal opinion rendered by the expert



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and this Court must only look at the provisions as are available on the date of deciding the application. Hence I did not agree with the earlier order passed in CrI.O.P(MD)No.15148 of 2024, dated 21.10.2024.

6.Taking into consideration the facts and circumstances of the case and considering the earlier orders passed by this Court and also taking note of the fact that this petitioner has already suffered incarceration from 27.07.2024 and there is one previous case pending against the petitioner for offence under IPC, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on 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 Presiding Officer, Principal 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 shall report before the respondent police daily at 05.30 p.m until further orders.

[c] the petitioner shall appear before the trial Court during every hearing



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date without fail.

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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS 2023.

sd/-
16/12/2024

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16/12/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

To

1.The Presiding Officer,
Principal Special Court for Trial of NDPS Act Cases,
Madurai.



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2.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

3.The Superintendent,
Central Prison, Madurai.

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

ORDER
IN
CRL OP(MD) No.21509 of 2024
Date :16/12/2024

ED/ /SAR- (16/12/2024) 5P / 5C

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