



CRL OP(MD). No.21610 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Rajesh Kumar

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Station House Officer,
Marthandam
Police Station,
Kanyakumari.
Crime No.459/2021.

... Respondent

For Petitioner : Mr.W.Cleetus,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.459/2021 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.2, who was voluntarily surrendered and remanded to judicial custody on 01.11.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B) of the Narcotics Drugs Psychotropic Substances Act, 1985, in Crime No.459 of 2021, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that based on the secret information, the respondent Police intercepted the petitioner and seized 1.5 Kgs of Ganja from him. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. He would further submit that the quantity of contraband recovered from the accused is a considerable quantity. He would further submit that the petitioner is in judicial custody for more than 60 days and accordingly, he prays for bail.



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4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that two previous cases are pending against the petitioner. He would further submit that totally 1.5 Kgs of Ganja was recovered from the accused. He would further submit that the quantity of Ganja involved in this case is not a commercial quantity.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and also considering the fact that the quantity of contraband recovered from the petitioner is a smaller quantity, this Court is inclined to grant bail to the petitioner herein, subject to the following conditions:

7. 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 Principal Special Judge for NDPS Act Cases, Madurai and on further conditions that:



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(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 respondent police daily i.e., 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 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;



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

sd/-
09/01/2024

/ TRUE COPY /

09/01/2024
Sub-Assistant Registrar (C.S. -I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1. THE PRINCIPAL SPECIAL JUDGE FOR NDPS ACT CASES, MADURAI.
2. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
3. THE INSPECTOR OF POLICE,
STATION HOUSE OFFICER,
MARTHANDAM POLICE STATION, KANYAKUMARI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.W.CLEETUS, Advocate (SR-359[I] dated 09/01/2024)

ORDER
IN

CRL OP(MD) No.21610 of 2023

Date :09/01/2024

RK/ (09/01/2024) 5P / 6C

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