



CRL OP(MD). No.22188 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Muness @ Munusamy,

... Petitioner/ Accused 1

Vs

The Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.
Crime No.1327/2020.

... Respondent/ Complainant

For Petitioner : M/s.KUMARAVEL.K.K,
Advocate.

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

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

PRAYER :- To enlarge the petitioner on bail in respect of in C.C No.17 of 2021 on the file of the Additional District Judge/ Special Court under E.C Act Cases, Thanjavur pending trial.

ORDER : The Court made the following order :-

The petitioner/A1, who is facing trial for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of NDPS Act, 1985 in C.C.No.17 of 2021 on the file of the



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learned Additional District Judge/Special Court under E.C. Act Cases, Thanjavur in Crime No.1327 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused persons were found in illegal possession of 22kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner was already enlarged on bail. Subsequently, the respondent police filed charge sheet before the trial Court and the same is pending disposal. After filing charge sheet, no summon was served on the petitioner. Because of the non-service of summon, the petitioner could not appear before the trial Court. Hence, the trial Court issued Non-Bailable Warrant against the petitioner and he was arrested and remanded to judicial custody on 28.09.2023. He would further submit that the petitioner is ready to co-operate for the trial. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that apart from this case, there are four previous cases pending against the petitioner and out of four previous cases, two cases are similar in nature. If the petitioner is released on bail, it would prolong the trial process. Hence, he opposed to grant bail to the petitioner.

5.Heard the learned counsel on either side.

6.Considering the fact that for non-appearance of the petitioner before the trial, he was secured and remanded to judicial custody and also considering the fact that



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the petitioner is ready to co-operate for the trial, this 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 Additional District Judge/Special Court under E.C Act Cases, Thanjavur, 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 learned Additional District Judge/Special Court under E.C Act Cases, Thanjavur on all working days at 10.30 a.m., till conclusion of the trial;

(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



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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;

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

8.If the petitioner failed to comply with the condition, the respondent police may arrest the petitioner.

sd/-
04/01/2024

/ TRUE COPY /

04/01/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO
1 THE ADDITIONAL DISTRICT JUDGE/
SPECIAL COURT UNDER EC ACT CASES, THANJAVUR.

2 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.

3 THE INSPECTOR OF POLICE,
NELLIKUPPAM POLICE STATION,
CUDDALORE DISTRICT.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.22188 of 2023
Date :04/01/2024

SA/SAR. /04.01.2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.