



CRL OP(MD). No.22297 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**

CRL OP(MD). No.22297 of 2023

Subbaiya

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Ramji Nagar Police Station,
Trichy District.
Crime No.25/2023

... Respondent/Complainant

For Petitioner : M/s.Balasubramanian.S,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.25/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 08.02.2023, for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 25 of NDPS Act in Crime No.25 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 21kgs of Ganja. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an Auto driver and A1 and A2 were travelled in his auto and he is not aware of the contraband, which was kept in his vehicle. He would further submit that the petitioner has not committed any offence as alleged by the prosecution and no recovery was made from the petitioner and A3 was already enlarged on anticipatory bail by this Court in Crl.O.P.(MD)No.9389 of 2023, dated 07.06.2023. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent opposed to grant bail stating that the petitioner and other accused persons were in possession of contraband weighing 21kgs of Ganja. However, he is not disputed the fact that A3 was already granted anticipatory bail by this Court.

5.Heard the learned counsel on either side.

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner and no recovery was made from him and the recovery is made only from A1, this court is inclined to grant bail to the petitioner with certain conditions.



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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 Judicial Magistrate Court, 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 is directed to appear before the respondent police as and when required for interrogation;

(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/-
04/01/2024

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
PUDUKKOTTAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.
- 4 THE INSPECTOR OF POLICE
RAMJI NAGAR POLICE STATION,
TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.22297 of 2023
Date :04/01/2024

SS/SAR- /04/01/2024/5P/6C

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