



CRL OP(MD). No.22453 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.22453 of 2023

Muthukumaran

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Rameshwaram Town Police Station,
Ramanathapuram District.
Crime No.100 of 2023..

... Respondent/Complainant

For Petitioner : Mr.M.Karuppasamy Pandiyan,
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.100 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.2, who was arrested and remanded to



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judicial custody on 08.05.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(C) and 25 of the Narcotics Drugs Psychotropic Substances Act, 1985, in Crime No.100 of 2023, 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 other accused persons and seized 150 Kgs of Ganja from them. 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 respondent Police has recovered contraband from Accused No.1 and now, he is enlarged on default bail. He would further submit that based on the confession statement of the co-accused persons, the present petitioner has been implicated as accused in this case. He would further submit that Accused No.1 has parked the alleged vehicle, which belongs to Accused No.2. He would further submit that the petitioner is in judicial custody for more than ten months and accordingly, he prays for bail.



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4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that totally 150 kgs of Ganja was recovered from the accused persons. He would further submit that one previous case is pending against the petitioner, which is not similar in nature. He would further submit that the quantity of Ganja involved in this case is a commercial quantity. He would further submit that there were frequent calls through phone between all the accused persons and due to non-filing of the charge sheet, Accused No.1 has been granted default bail and now the charge sheet has been filed before the concerned Court and he vehemently opposed for grant of bail to the petitioner herein.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and also considering the fact that the contraband has been recovered only from the other accused persons and not from the petitioner herein and also considering the fact that the confession statement of the co-accused persons, the petitioner herein has been arrayed as accused and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner herein, subject to the following conditions:



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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 Court for trial of Cases under EC & NPDS Act Cases, Pudukottai** 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 concerned trial Court for each and every hearing dates till the disposal of the criminal case, failing which, the bail granted by this Court shall stand automatically cancelled;

(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;



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(e)after the seizure procedure is over, the concerned Magistrate and the respondent Police are directed to comply with the guidelines enumerated under section 52(A) of NDPS Act and as per the guidelines issued by the Hon'ble Supreme Court of India in the case of *Union of India Vs. Mohanlal and Another ((2016) 3 SCC 379)*.

(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]*; and;

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

sd/-
11/03/2024

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11/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG



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TO

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- 1 THE PRINCIPAL SPECIAL JUDGE
FOR TRIAL OF CASES UNDER EC AND NDPS ACT CASES,
PUDUKOTTAI.
- 2 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKOTTAI.
- 3 THE INSPECTOR OF POLICE
RAMESHWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.KARUPPASAMY PANDIAN, Advocate (SR-2999[I] dated 11/03/2024)

ORDER
IN

CRL OP(MD) No.22453 of 2023
Date :11/03/2024

SS/SAR- /11/03/2024/6P/6C

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