



CRL OP(MD).No.23035 of 2023

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

Date : 10/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD).No.23035 of 2023

Palani @ Palani Murugan

... Petitioner / Accused

Vs

The Inspector of Police,
NIB-CID
Ramanathapuram District.
(Crime No.8/2019).

... Respondent/Complainant

For Petitioner : Mr.Kasirajan.S, 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.8 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 22.09.2023 for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(C), 25, 28, 29(1) of NDPS Act and 202, 114, 387 IPC in Crime No.8 of 2019 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on secret information, the defacto



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complainant, who is the Inspector of Police, along with the other Police Officials went to the Mango Garden of the second accused, where, the accused persons were found in possession of 196 Kgs of Ganja. 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 petitioner is in judicial custody from 22.09.2023. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that though the name of the petitioner was not found initially in FIR, his name was subsequently implicated and since he has not appeared before the respondent Police, the absconding charge sheet has been filed before the trial Court. Thereafter, he has not appeared before the trial Court and the case was split up in respect of the petitioner and the petitioner was secured only on 22.09.2023.

5. The concerned Deputy Superintendent of Police, who is present before this Court, has stated that the petitioner has not appeared before the respondent Police and therefore, they have filed the absconding charge sheet before the trial Court.

6. In reply to the same, the learned counsel appearing for the petitioner would submit that no summon was received from the Investigating Agency and without



the knowledge of the petitioner, the respondent Police have filed the absconding charge sheet. He would further submit that the trial Court has also not issued any summons to the petitioner to appear. In fact, no recovery was made from the petitioner by the respondent Police at the time of alleged occurrence.

7. Admittedly, the petitioner's name was not initially included in the FIR and thereafter, was implicated in this case. The petitioner claims that he has not received any summons from the respondent Police and the trial Court to appear, however, the respondent Police filed the absconding charge sheet before the trial Court and the trial Court has split up the case in respect of the petitioner. Considering the facts and circumstances of the case and the period of incarceration, this court is inclined to grant bail to the petitioner with certain conditions.

8. 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 Special Judge for EC & NDPS Act Cases, 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 learned



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Special Judge for EC & NDPS Act Cases, Pudukkottai, on each and every hearing date, till the 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 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.

sd/-
10/01/2024

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10/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB



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To
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1.The Special Judge for EC and NDPS Act Cases,
Pudukkottai.

2.The Inspector of Police,
NIB-CID,
Ramanathapuram District.

3.The Officer Incharge,
District Prison,
Pudukottai.

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

+1 CC to M/s.S.KASIRAJAN, Advocate (SR-460[I] dated 10/01/2024)

ORDER

IN

CRL OP(MD) No.23035 of 2023

Date :10/01/2024

ED/ /SAR- (10/01/2024) 5P / 6C

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