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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.121 of 2024

Prabhu

... Petitioner/ Petitioner / Accused No.5

Vs

The Inspector of Police,
Thanjavur Town West Police Station,
Thanjavur District.
Crime No.1260 of 2023.

... Respondent/ Respondent / Complainant

For Petitioner : Mr.P.Palaninathan
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.1260 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.5, who was arrested and remanded to judicial custody on 04.10.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii) (B)

<https://www.mhc.tn.gov.in/judis>



and 29(1) of the Narcotic Drugs and Psychotropic Substances Act in Crime No.1260 of 2023 on the file of the respondent Police, seeks bail.

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2. The case of the prosecution is that on 04.10.2023, the respondent Police intercepted the petitioner's vehicle and seized fifteen 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 petitioner is in judicial custody for more than ninety days. He would further submit that the Ganja involved in this case is not recovered from the petitioner herein and it has been recovered only from the other accused persons. He would further submit that the petitioner is arrayed as Accused No.5 and accordingly, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner is having two previous cases, which is I.P.C in nature. He would further submit that the investigation is completed and charge sheet has also been filed before the concerned Court. 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 considering the period of incarceration and also considering the fact that the quantity of Ganja involved in this case is not a commercial 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 Additional District Judge / Presiding Officer Special Courts for Essential Commodities 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 trial Court for each and every hearing dates, 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;

(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/-
05/01/2024

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05/01/2024
Sub-Assistant Registrar (CO)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 The Additional District Judge /
Presiding Officer Special Courts for Essential Commodities Act Cases,
Thanjavur

2 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKOTTAI.



3 THE INSPECTOR OF POLICE
THANJAVUR TOWN WEST POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.121 of 2024
Date :05/01/2024

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