



CRL OP(MD). No.23329 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.23329 of 2023

R.Sasikumar

... Petitioner / Accused No.3

Vs

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

... Respondent/Complainant

For Petitioner : M/s.Jagadees Pandian, Advocate
for Mr.NA.Manimaran, 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 / A3, 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) and 29(1)



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of NDPS Act, in Crime No.1260 of 2023 on the file of the respondent Police, seeks
bail.

2.The case of the prosecution is that on 04.10.2023, the accused persons were found in possession of 15 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 and that it is an intermediate quantity and not a commercial quantity and the co-accused has been granted bail in CrI.O.P(MD). No.21359 of 2023 on 28.11.2023 by this Court. He would further submit that the petitioner is in judicial custody from 04.10.2023. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that two previous cases were pending against the petitioner, in which, one case is ended in acquittal and he was discharged in another case.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration and that it is an intermediate quantity and that the co-accused has been granted bail in CrI.O.P(MD).No.21359 of 2023 by this Court on 28.11.2023, this court is inclined to grant bail to the petitioner, 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 Additional District and Session Judge for E.C. & NDPS 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 and Session Judge for E.C. & NDPS Act Cases, Thanjavur, on each and every hearing date;

(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



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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

To

1.The Additional District and Sessions Judge for EC and NDPS Act Cases,
Thanjavur.

2.The Inspector of Police,
Town West Police Station,
Thanjavur District.

3.The Officer Incharge,
District Jail,
Pudukottai.

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



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ORDER

IN

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Date :10/01/2024

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

Madurai Bench of Madras High Court is issuing certified copies in this format from
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