



CRL OP(MD). No.21862 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21862 of 2024

Jopin Donald

... Petitioner/ Accused No.5

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Cumbum South Police Station,
Theni District.
Crime No.250/2024.

... Respondent/Complainant

For Petitioner : Mr.S.Vidhya Sagar, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITIONS FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.250/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 25.11.2024 for the offences under Sections 8(c) r/w 20(b)(ii)(B), 22(a), 29(1) and 25 of

NDPS Act in Crime No.250 of 2024 on the file of the respondent police, seeks bail.

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



CRL OP(MD). No.21862 of 2024

WEB COPY

2. The case of the prosecution is that A1 and A2 were found in possession of 2.900 Kg of Ganja. After their arrest, based on their confession, it came to light that the other accused persons are involved. Subsequently, A6 was arrested and he was found in possession of 2.400 Kg of Ganja. He was arrested on the same day. The petitioner (A5) was also arrested and it came to light that the petitioner was one of the suppliers of the contraband. In the instant case apart from 5.300 Kg of Ganja, 1 gm of Methamphetamine powder was also seized. There are totally seven accused persons in this case and the petitioner has been arrayed as A5.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that till now A1, A2, A5 and A6 have been arrested and A3, A4 and A7 are absconding. He further submitted that these accused persons are regularly purchasing ganja from Andhra Pradesh and it is supplied in Tamil Nadu. There are two previous cases pending against the petitioner and one case pertains to the offence under NDPS Act, where the petitioner was found in possession of 1 Kg of Ganja.

4. The learned Counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner and that the petitioner was not in possession of any contraband and he has been roped in this case based on the confession of the co-accused.

5. Taking into consideration the facts and circumstances of the case and



CRL OP(MD). No.21862 of 2024

WEB COPY

considering the quantity that is involved in this case and taking note of the fact that the petitioner has been roped in this case based on the confession of the co-accused and also taking note of the previous cases pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on 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 NDPS Cases, Madurai**, 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 shall report before the respondent police every Friday at 05.30 p.m for a period of eight weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



CRL OP(MD). No.21862 of 2024

[e] the petitioner shall not abscond either during investigation or trial.

WEB COPY

[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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS 2023.

sd/-
12/12/2024

**(*) CORRECTED AS PER ORDER OF
THE COURT DATED 13.12.2024 IN CRL
OP(MD)NO.21862/2024**

/ TRUE COPY /

13 /12/2024
Sub-Assistant Registrar (VIGILANCE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 12/12/2024 ALREDY
DESPATCHED

1.THE JUDGE, PRINCIPAL SPECIAL COURT FOR NDPS CASES, MADURAI,

2 THE JUDICIAL MAGISTRATE

UTHAMAPALAYAM.

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



CRL OP(MD). No.21862 of 2024

WEB COPY

3 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL, THENI.

4 THE INSPECTOR OF POLICE,
CUMBUM SOUTH POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.S.VIDHYASAGAR, Advocate (SR-15315[I] dated 12/12/2024)

ORDER
IN
CRL OP(MD) No.21862 of 2024
Date :12/12/2024

PSP/ /SAR /12.12.2024/ 5P/ 7C

RK (13.12.2024) 5P/8C

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