



CRL OP(MD). No.22179 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Selvam @ Mandai

... Petitioner/ Sole Accused

Vs

The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
(Crime No.185 of 2019)

... Respondent / Complainant

For Petitioner : Mr.K.Vivek, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS,2023.

PRAYER :-

For Bail in Crime No.185 of 2019 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Sole Accused, who was arrested and remanded to judicial custody on 30.07.2024 for the alleged offences under Sections 8(c) r/w 22(C) of NDPS Act, 1985, in Crime No.185 of 2019, on the file of the respondent police, seeks bail.

2. The petitioner was facing trial before the Court below in C.C.No.13 of 2024.

The petitioner was not present during the hearing on 25.07.2024 and hence, NBW was issued and thereafter, the petitioner was secured and produced before the Court on

30.07.2024. He was thereafter remanded to judicial custody.

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3. The learned Additional Public Prosecutor (Criminal Side), on instructions, submitted that the case is now at the stage of examination of investigation officer. It was further submitted that there are 10 previous cases against the petitioner, out of which, 4 cases are under the NDPS Act. Hence, the learned Additional Public Prosecutor vehemently opposed the grant of bail to the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner was regularly appearing before the Court and only on 25.07.2024, he was not able to be present before the Court and immediately he was produced before the Court on 30.07.2024 and he was remanded to judicial custody. The learned counsel for the petitioner submitted that the petitioner has co-operated in the proceedings and all the witnesses have been cross examined and that the petitioner is suffering incarceration from 30.07.2024.

5. Heard the learned counsel on either side and perused the material records of the case.

6. Taking into consideration the facts and circumstances of the case and considering the conduct of the petitioner in the entire course of trial and also taking note of the fact that the case is now at the stage of examination of investigation officer and considering the fact that there are previous cases against the petitioner and also taking note of the fact that the petitioner has suffered incarceration from 30.07.2024,



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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 Judge – Special Court under Essential Commodities Act, Thanjavur, and on further conditions that:-

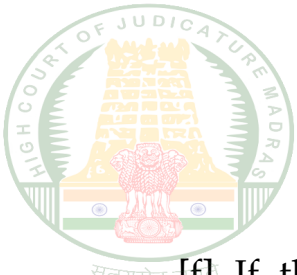
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the learned Additional District Judge – Special Court under Essential Commodities Act, Thanjavur daily at 10.30 a.m. including the days on which the case is posted for hearing until further orders.

[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].



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

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07/01/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE ADDITIONAL DISTRICT JUDGE
SPECIAL COURT UNDER ESSENTIAL COMMODITIES ACT, THANJAVUR.
- 2 THE INSPECTOR OF POLICE, KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.22179 of 2024
Date :07/01/2025

RS/IT/SAR-(07.01.2025) 4P 5C
Madurai Bench of Madras High Court is issuing
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