



CRL OP(MD). No.22512 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.22512 of 2024

Aaron,
S/o.Gnanam,
281/215, Mathavan Nayar
Colony, Thereshpuram,
Thoothukudi District.

... Petitioner/ Accused 4

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.
Crime No.164 of 2023.

... Respondent/Complainant

For Petitioner : Mr.K.Mahendran, Advocate
for Mr.Thanga Prithvi Rajan.P, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail Crime No.164 of 2023 on the file of the respondent Police.



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ORDER: The Court made the following order :-

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The petitioner / 4th accused, who was arrested and remanded to judicial custody on 07.11.2023 for the alleged offence under Sections 8(c), 20(b)(ii)(C) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) in Crime No.164 of 2023, seeks bail.

2. The case of the prosecution is that on 08.05.2023, the Sub Inspector of Police, Tiruchendur Police Station received an information and based on the same, he went to the private farm and found a Bolero pickup vehicle. On seeing the police party, the persons who were present on the spot managed to escape. On conducting search, 120 kgs of Kanja was found stacked in three gunny bags. Based on the statement of the care taker of the private farm, the respondent police identified the accused persons, who had absconded from the spot and accordingly, FIR came to be registered. There are totally 10 accused persons in this case and the petitioner has been arrayed as A4 in the police report.

3. Counter affidavit has been filed by the respondent, wherein it has been stated that the identity of the accused persons who escaped from the spot was ascertained based on the statement recorded from the care taker and also the disclosure statement made by A10. It is also mentioned in the counter affidavit that this petitioner has three similar cases pending against him, which involves huge quantity of kanja. In



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view of the same, a stand has been taken to the effect that the petitioner did not satisfy the second limb of Section 37 of the NDPS Act.

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4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.It was brought to the notice of this Court that this Court had an occasion to deal with the bail applications filed by some of the co-accused in Crl.O.P.(MD) Nos.7332, 7359, 9212 and 9775 of 2024. This Court after considering the entire materials came to the conclusion that a slip shod investigation has been conducted and accordingly, bail was granted to the co-accused persons by orders dated 08.08.2024 and 13.08.2024.

6.The reasons that have been assigned in those bail applications will squarely apply to the petitioner also. The only ground that is sought to be put against the petitioner is that there are three previous cases against the petitioner involving huge quantity of kanja. The previous cases against the petitioner will have some bearing, only if some material is available against the petitioner in the instant case. However, on going through the materials and after going through the earlier orders passed by this Court while enlarging the co-accused on bail, this Court finds that the petitioner also has an arguable case and hence, the previous case by itself will not be a ground to deny granting of bail to the petitioner. This Court also takes into consideration the



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fact that the petitioner has suffered incarceration in the present case from 07.11.2023.

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7.In the light of the above discussion, this court is inclined to grant bail to the petitioner, subject to the following conditions:

8.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.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Principal Special Court for Trial of NDPS Act 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 Principal Special Court for Trial of NDPS Act Cases, Madurai on all hearing dates without fail.

[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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court
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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
21/01/2025

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21/01/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
1 THE PRINCIPAL SPECIAL JUDGE
FOR TRIAL OF NDPS ACT CASES,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
THIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER IN
CRL OP(MD) No.22512 of 2024
Date :21/01/2025

SA/SAR. /21.01.2025/5P/5C

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