



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twentieth day of December Two Thousand Thirteen
PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN

CRL OP (MD) No.23110 of 2013

WEB COPY
MURUGAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION,
THENI DIST, CR.NO.362/2013

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MAHENDRAPATHY Advocate

For Respondent : M/S.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

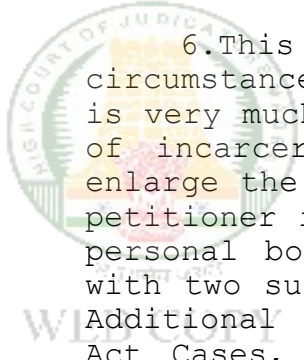
The petitioner is the sole accused and he was arrested and remanded to judicial custody on 29.11.2013 by the respondent police for the alleged commission of offence under Sections 8(c) read with 20-(b)(ii) B of N.D.P.S. Act, in Crime No.362 of 2013 on the file of the respondent police, and seeks bail.

2.The case of the prosecution is that on 29.11.2013, the respondent mounted a vigilance, came across that this petitioner was moving in a suspicious manner and on their, he was found in possession of 1.200 kg of kanja.

3.The learned counsel appearing for the petitioners would submit that the petitioner is falsely implicated and he has nothing to do with the alleged commission of offence and for statistical purpose only, the case came to be registered.

4.The learned Government Advocate (criminal side) would submit that already the petitioner has involved in six previous cases viz., crime No.24 of 2013 (C.C.No.48 of 2013) involving 5 kgs of kanja, crime No.223 of 2013 on the file of the Sedapatti police station involving 1.100 kgs of kanja, crime No.24 of 2012(C.C.No.27 of 2012) involving 24 kgs of kanja, crime No.544 of 2010 (C.C.No.47 of 2011) involving 2 kgs of kanja, Crime No.223 of 2012 (C.C.No.259 of 2012) involving 2 kgs of kanja and Crime No.452 of 2009(C.C.No.169 of 2010) involving 2 kgs of kanga and that the investigation is pending. Therefore, he strongly opposes the application for bail.

5.In response to the said submission, the learned counsel appearing for the petitioner would submit that in respect of the present case is concerned, not even the seized contraband was deposited before the trial Court and also produced an emergent copy application in S.R.No.14893 of 2013, wherein an endorsement made the effect that the property is yet to be deposited.



6. This Court, taking into consideration of the above facts and circumstances of the case, especially the fact that the seized contraband is very much less than the commercial quantity and considering the period of incarceration already undergone by the petitioner, is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is directed to be released on bail each of them on executing a personal bond each 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/Principal Special Court for E.C. and N.D.P.S. Act Cases, Madurai and on further condition that the petitioner shall appear before the respondent police daily at 11.00 a.m for a period of four weeks and thereafter, as and when required.

sd/-

20/12/2013

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE ADDITIONAL DISTRICT JUDGE OF PRINCIPAL SPECIAL COURT FOR NDPS ACT CASES, MADURAI
- 2 -DO-THRO' THE PRINCIPAL DISTRICT JUDGE, MADURAI
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- 4 THE ADDL. PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUB INSPECTOR OF POLICE CUMBUM NORTH POLICE STATION, THENI DISTRICT

+1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No.63936

ORDER

IN

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Date :20/12/2013

NA/20/12/2013/P2/7C