



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

Friday, the Twenty Third day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN

CRL OP(MD) No.1111 of 2015

MADASAMY

... PETITIONER/ ACCUSED NO.2

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

RAJAPALAYAM NORTH POLICE STATION,

VIRUDHUNAGAR DT, CRIME NO.322/2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.MARIMUTHU Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested by the respondent Police on 23.06.2014 for the alleged offence punishable under Sections 8(c) r/w 20 (b)(ii)(c), 25 of NDPS Act, in Crime No.322 of 2014 on the file of the respondent Police, seeks bail.

2.The earlier petition for bail was dismissed on 31.10.2014.

3.The case of the prosecution is that on 22.06.2014, the respondent Police Party had conducted routine vehicle checking and at that time, they found that four accused who were in a Tata Sumo vehicle bearing Registration No.TN-24-Q-2806 were found in possession of 49.600 Kgs of Ganja.

4.The learned counsel for the petitioner would submit that the petitioner / second accused, has been falsely implicated in the case and insofar as A-1 is concerned, he has been enlarged on statutory bail by this Court's order dated 07.01.2015 in Crl.O.P.(MD)No.23939 of 2014, on the ground that the prosecution has failed to file the charge sheet within a period of 180 days and the same yardstick would apply to this petitioner also.

5.The learned Government Advocate (Crl.Side) would submit that as on today, no charge sheet has been filed.

6.In the considered opinion of this Court, the same yardstick adopted for A-1 in Crl.O.P.(MD)No.23939 of 2014 shall apply to this petitioner also, and hence this Court is inclined to grant the relief of bail to the petitioner. Accordingly, the petitioner is directed to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties each for a like sum to the satisfaction of the learned Additional District and Sessions Judge / Presiding Officer, Special Court for E.C and NDPS Act cases, Pudukottai and on

further condition that:

(a) the petitioner shall report before the respondent Police twice a day daily at 10.30 a.m., and 6.30 p.m. for a period of four weeks and thereafter as and when required for interrogation;

(b) the petitioner shall not tamper with evidence or witness either during investigation or trial; and

(c) the petitioner shall not abscond either during investigation or trial.

(d) 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].

sd/-

23/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/
PRESIDING OFFICER, SPECIAL COURT FOR E.C. AND NDPS ACT CASES,
PUDUKOTTAI.

2. THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

3. THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.

4. THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION, VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.G.MARIMUTHU Advocate SR.No.3088

ORDER

IN

CRL OP(MD) No.1111 of 2015

Date :23/01/2015

RG.23.01.2015

2P.6C.