



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

Wednesday, the Twelfth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.15166 of 2015

R. NAGARAJ

... PETITIONER / ACCUSED No.1

Vs

STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE

EARVADI THARKA POLICE STATION, RAMNAD DISTRICT,
IN CRIME NO.122 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MOTHER LAND ASSOCIATES Advocate

For Respondent : Mrs.S.Prabha, Govt. Advocate (Crl. Side)

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

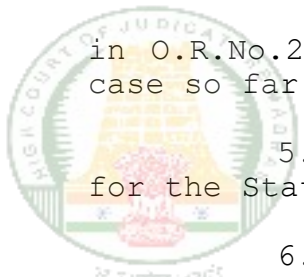
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as the first accused in Crime No.122 of 2015 on the file of the respondent police, was arrested and remanded to judicial custody on 14.06.2015 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)1 and (c), 23(c), 25 of NDPS Act, 1985 and hence, seeks bail.

2.The case of the prosecution is that on 14.06.2015, on getting secret information that the banded NDPS substances are smuggled to Srilanka, the Special Sub Inspector of Police along with two Head Constables went to east Mangaleshwar Nagar sea shore around 03.30 hours and on seeing the police party, the smugglers escaped in a country boat and the police intercepted a mini lorry bearing Registration No. 02 AJ 1386 and recovered 2 kgs of ganja and on the arrest of the fourth accused Nagaraj, another 2 kgs of ganja was recovered.

3.The learned counsel for the petitioner submitted that all the accused have been implicated in this case based on the confession of the fourth accused Nagaraj and the arrested accused namely Imran gave a confession stating that another 650 to 750 kgs of ganja was transported by the accused from Chennai for the purpose of taking the same to Srilanka by using the country boat and on seeing the police party, they abandoned the same in the sea shore, however, based on the confession, the respondent has not recovered any and therefore, confession of the accused cannot put against these petitioner. He would further submit that co-accused in this case were granted bail in Crl.O.P. Nos.14326,14615,14620,13836,14330 and 14627 of 2015 on 11.08.2015.

4. The learned Government Advocate submitted that on 14.06.2015 the respondent police have intercepted a mini lorry and recovered 2 kgs of ganja from the lorry and after arresting the driver of the lorry they seized another 2 kgs from him and it is further submitted that for recovery of 650 to 50 kgs of ganja in the coastal area, the Customs Preventive Unit, Rameshwaram has filed a separate case



in O.R.No.2 of 2015 - 2016 and the petitioner is not impleaded in that case so far.

5. Heard the learned Government Advocate(Crl.side) appearing for the State.

6.Considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail on the following conditions. Accordingly, the petitioner is directed 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 Judicial Magistrate No.II, Ramanathapuram, and on further condition that the petitioner shall report before the respondent police daily twice ie., at 10.00 a.m., and 05.00 p.m., until further orders.

sd/-

12/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,RAMANATHAPURAM
- 2 THE CHIEF JUDICIAL MAGISTRATE,RAMANATHAPURAM
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- 4 THE INSPECTOR OF POLICE
EARVADI THARKA POLICE STATION, RAMNAD DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MOTHER LAND ASSOCIATES Advocate SR.No.45665

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ORDER

IN

CRL OP(MD) No.15166 of 2015

Date :12/08/2015