



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Twenty Fifth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.17445 of 2015

1 DHARMENTHIRAN

(*) 2 DEEPAN

..PETITIONERS/ACCUSED 1 & 2

Vs.

STATE REP.BY

THE SUB INSPECTOR OF POLICE

NIB CID, RAMANATHAPURAM POLICE STATION,

RAMANATHAPURAM DISTRICT.

(CR.NO. 44 OF 2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.JAGADEESH PANDIAN

for M/S.K.J.ASSOCIATES Advocate

For Respondent : M/S.S.PRABHA,

Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 and 2 in Crime No.44 of 2015 on the file of the respondent police, was arrested on 04.06.2015 for the alleged offences punishable under Sections 8(c) r/w. Section 20(b)(ii)(c) and 25 of NDPS Act and hence, seeks bail.

2. The case of the prosecution is that the accused was found in possession of 120 kgs. of ganja.

3. The second application is filed by the petitioners contending that as per the prosecution case, the respondent police arrested the petitioners at 18.30 hours on 04.06.2015 and thereafter, the case was registered at 21.30 hours on the same day, however, the arrest memo contains the Crime Number which shows the entire prosecution case is false. The learned counsel for the petitioners further submitted that in similar circumstances, this Court has granted bail to the accused.

4. The learned Government Advocate (Crl.side) submitted that this is a case of commercial quantity and the earlier application of this petitioner was dismissed only on 18.08.2015 and thereafter, there is no change of circumstances. It is further submitted that the respondent has already completed the investigation and also filed a charge sheet which is taken on file on 02.09.2015 and numbered as C.C.No.92 of 2015.

5. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail on their own recognizance for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Additional District and Sessions Judge / Special Court for EC and NDPS



Act Cases, Pudukottai and on further condition that the petitioners shall appear before the trial Court and co-operate for completion of the trial.

sd/-
25/09/2015

(*) Amended as per the order of this Honourable Court dated 06.10.2015 and made in MP(MD) No.1 of 2015 in Crl OP(MD) No.17445 of 2015.

(*) Time is extended her a period of one week from the date on which the order copy is made ready.

sd/-
06.10.2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

to be substituted for the order already dispatched

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/
SPECIAL COURT FOR EC AND NDPS ACT CASES, PUDUKOTTAI.
- 2 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE OFFICER IN CHARGE, DISTRICT PRISON, RAMNAD.
- 4 THE SUB INSPECTOR OF POLICE, NIB CID, RAMANATHAPURAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

+1cc to Mr.M.KARUNANITHI, ADVOCATE SR NO.58858

ORDER IN
CRL OP(MD) No.17445 of 2015
Date : 25/09/2015

PBK/GSV-PM/SAR-I 25/09/2015 :: 2P-6C ::
rg.06.10.2015/AMF/SAR-II 2P/6C