



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

Monday, the Twenty Third day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.21644 of 2015

SAMIKANNU

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
KARIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT
CR.No. 230 of 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S R.KARTHICK Advocate

For Respondent : Mr.K.Anbarasan Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

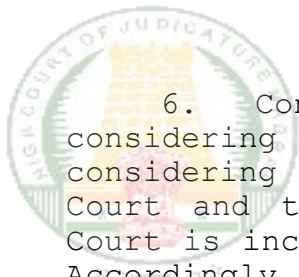
The petitioner/accused No.1, who was arrested and remanded to judicial custody on 22.06.2015 for the alleged offences punishable under Section 8 (c) read with Section 20(b)(II)(B) of NDPS Act in in Crime No.230 of 2015 on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 22.06.2015, the respondent intercepted the petitioner's car bearing Registration No.TN-59-AA-3981 and the accused were found in possession of 16 kgs of Ganja and the said contraband was seized. Both the petitioner and other accused were arrested and remanded to judicial custody on 22.06.2015.

3. The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence and he has no bad antecedents. Only with a view to detain the petitioner under the Goondas Act, he has been falsely implicated in this case.

4. The learned Government Advocate (Criminal Side) submitted that the petitioner was arrested and he is in possession of 16 kgs of Ganja, which is below commercial quantity.

5. The learned counsel for the petitioner submitted that in the earlier bail application in Crl.O.P(MD)No.13480 of 2015, the learned Government Advocate (Criminal Side) submitted that the first petitioner is detained under Act of 1982 and therefore, the application in respect of this petitioner is dismissed and in respect of the second petitioner, this Court granted bail on 23.07.2015. He would further submit that the detention of the petitioner under Goondas Act was set aside by this Court in H.C.P(MD)No.1104 of 2015.



6. Considering the facts and circumstances of the case and also considering the fact that the co-accused was released on bail and also considering the fact that the detention order has been quashed by this Court and the petitioner is in judicial custody from 22.06.2015, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on his 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 learned Special Principal and Sessions Judge for E.C and N.D.P.S Act Cases in Madurai and on further condition that the petitioner shall appear before the respondent police daily twice ie., 10.00 a.m., and 05.00 p.m., until further orders.

sd/-
23/11/2015

/ TRUE COPY /

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

- TO
- 1 THE SPECIAL PRINCIPAL AND SESSIONS JUDGE FOR E.C. AND N.D.PS. ACT CASES IN MADURAI.
 - 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 - 3 THE SUPERINTENDENT , CENTRAL JAIL, MADURAI.
 - 4 THE INSPECTOR OF POLICE
KARIYAPATTI POLICE STATION,VIRUDHUNAGAR DISTRICT

+1. CC to M/S R.KARTHICK Advocate SR.No.66826.

TS/23.11.2015/2P-6C/GSV-PM/SAR I

ORDER
IN
CRL OP(MD) No.21644 of 2015
Date :23/11/2015