



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

Monday, the Twentieth day of April Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) Nos.5525 & 5526 of 2015

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YAHUB : PETITIONER/ACCUSED NO.1 IN CRL.OP(MD)NO.5525/2015

1.NAJIMUNISHA

2.NOORJAHAN

3.SHAMTHOTH BEGAM : PETITIONERS/ACCUSED NO.2 TO 4
IN CRL.OP(MD)NO.5526/2015

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

VELAYUTHAMPALAYAM POLICE STATION,

KARUR DISTRICT.

CR. NO. 63/2015. ... RESPONDENT/COMPLAINANT IN BOTH PETITIONS

For Petitioner : M/S. S. GOKULRAJ Advocate in both petitions

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)
in both petitions

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A4, were arrested on 13.02.2015 and remanded to judicial custody on 14.02.2015 for the alleged offence punishable under section 8(C) r/w 20(b)(ii)(c) of NDPS Act, 1985, in Crime No.63 of 2015 on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that on 13.02.2015 the respondent police arrested A1 and A2 and recovered 240 gms of ganja and on the basis of confession given by A1 and A2, 25.200 kgms of ganja was recovered in the residence of A3 and A4.

3.The learned counsel for the petitioners submitted that the accused were arrested on 13.02.2015 and produced before the learned Magistrate on 14.02.2015, but the contraband was produced only on 24.02.2015, In support of his contention, the learned counsel has relied on the order passed by this Court in Crl.O.P(MD)No.18641 of 2014, dated 12.11.2014 and Crl.O.P.(MD).No.4634 of 2015 dated 17.04.2015.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Criminal side) submitted that the first accused is having three previous cases and the second accused



is having one previous case and the learned Government Advocate (Crl.side) opposed the application stating that the accused were found in possession of 25.500 gms of ganja.

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5.In Crl.O.P(MD)No.18641 of 2014, dated 12.11.2014, which was relied upon by the learned counsel for the petitioner, the respondent police had recovered 24 kgs of Ganja from the accused and the contraband was produced after a lapse of two weeks and in that above case, this court held that section 37 of NDPS Act is not applicable to the facts of the case, because there is a serious suspicion over the case of the prosecution.

6.Considering the order passed by this court in Crl.O.P(MD)No.18641 of 2014, dated 12.11.2014, and the facts and circumstances of the present case, this court is of the considered view that the petitioners are entitled for bail with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail, on each of them 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 Judicial Magistrate No.II, Karur and on further condition that the petitioners shall report before the respondent police daily at 10.00 a.m. and 05.00 p.m. until further orders.

sd/-
20/04/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,KARUR.
 - 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,KARUR.
 - 3 THE SUPERINTENDENT,CENTRAL PRISON,TRICHY.
 - 4 THE INSPECTOR OF POLICE
VELAYUTHAMPALAYAM POLICE STATION, KARUR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- +2. CCs to M/S. S. GOKULRAJ Advocate SR.Nos.19904 & 19905

ORDER
IN

CRL OP(MD) Nos.5525 & 5526 of 2015
Date :20/04/2015