



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

Wednesday, the Fifteenth day of April Two Thousand Fifteen

PRESENT

The Hon'ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.5628 of 2015

LINGASAMY @ VAITHIYALINGAM

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
NIBCID, MADURAI,
MADURAI DISTRICT.
CR. NO.187/2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. B. PANDIA RAJAN Advocate

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

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

ORDER : The Court Made the following order :-

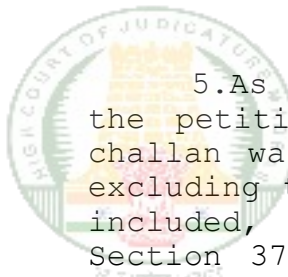
The petitioner, who is arrayed as the sole accused in Crime No.187 of 2014 on the file of the respondent police, was arrested and remanded to judicial custody on 25.09.2014 for the alleged offences punishable under Sections 8(c) r/w., 20(b)(ii)(C) of NDPS Act, and hence, seeks bail.

2.Mr.B.Pandia Rajan, learned counsel for the petitioner submitted that the petitioner was arrested on 25.09.2014, however, the respondent police laid charge sheet only on 25.03.2015, which falls on 181 days from the date of arrest. Therefore, the petitioner is entitled to be released in this case.

3.In support of his argument, the learned counsel has relied upon the judgment of the Hon'ble Supreme Court in RAVI PRAKASH SINGH @ ARVIND SINGH V. STATE OF BIHAR reported in (2005) 1 MLJ (Crl) 594(SC) in which it is held as follows:

"In State of M.P v. Rustam and Others, 1995 Supp(3) SCC 221, this Court has laid down the law that while computing period of ninety days, the day on which the accused was remanded to the judicial custody should be excluded, and the day on which challen is filed in the Court, should be included. That being so, in our opinion, in the present case, dated 05.07.2013 is to be excluded and, as such, the charge sheet was filed on ninetieth day, i.e., 03.10.2013. Therefore, there is no infringement of Section 167(s) of the Code."

4.The learned Government Advocate (Crl.side) has not disputed the date of arrest of the petitioner on 25.09.2014 and filing of the charge sheet on 25.03.2015.



5.As per the decision of the Hon'ble Supreme Court, the day on which the petitioner was arrested is to be excluded and the day on which, challan was filed in the Court should be included. In this case, after excluding the day of arrest and the day of filing of the charge sheet is included, the respondent has filed charge sheet on 181st day. As per Section 37(2) of NDPS Act, the prosecution has filed the charge sheet within the period of 180 days.

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6.Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered 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 learned Additional District Judge of Principal Special Court for EC and NDPS Act Cases, Madurai and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m, until further orders.

sd/-
15/04/2015

/ TRUE COPY /

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

TO

1. THE ADDITIONAL DISTRICT JUDGE
OF PRINCIPAL SPECIAL COURT FOR EC AND NDPS ACT CASES, MADURAI.

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

3.THE SUPERINTENDENT CENTRAL PRISON, MADURAI

4.THE INSPECTOR OF POLICE
NIBCID, MADURAI, MADURAI DISTRICT.

+1. CC to M/S. B. PANDIA RAJAN Advocate SR.No.18809

ORDER
IN
CRL OP(MD) No.5628 of 2015
Date :15/04/2015

RG.15/04/2015 2P/6C.