



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

Monday, the First day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.9142 of 2015

NATHEESH

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
PALANICHETTIPATTI POLICE STATION,
THENI DT.(CR.NO.146/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MUNIYANDI 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 :-

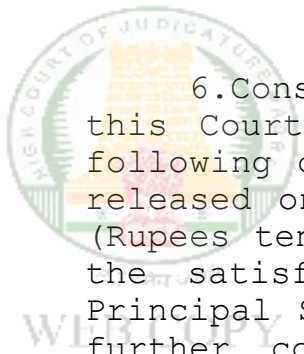
The petitioner, who is arrayed as A2 in Crime No.146 of 2015 on the file of the respondent police, was arrested and remanded to judicial custody on 12.04.2015 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of NDPS Act, and hence, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 50kgs of ganja.

3.The learned counsel for the petitioner submitted that the respondent arrested the petitioner on 12.04.2015 at about 1.45 hours and on the basis of the confession of the co-accused, the case has been registered in Cr.No.146 of 2015 at 2.15 hours. He further submitted that the arrest memo contains the crime number, which would reveal that the entire prosecution case is false.

4.The learned Government Advocate (Crl.side) submitted that the accused was found in possession of 50 kgs of ganja and the first accused is still at large and while the fourth accused, who is the wife of the petitioner is in judicial custody. He further submitted that as per Section 37 of the NDPS Act, the petitioner is not entitled for bail.

5.This Court, in similar facts, considered the bail application on the ground that the arrest memo contains the crime number, which creates serious suspicion over the case of the prosecution and granted bail in Crl.O.P.(MD).No.6744 of 2015, dated 20.04.2015.



6.Considering the above 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 her 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 for Principal Special Court for EC and NDPS Act Cases, Madurai, 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/-
01/06/2015

/ TRUE COPY /

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

TO

1.THE ADDITIONAL DISTRICT JUDGE FOR
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
WOMEN PRISON, TRICHY.

4.THE INSPECTOR OF POLICE,
PALANICHETTIPATTI POLICE STATION, THENI DISTRICT.

+1. CC to M/S.S.MUNIYANDI Advocate SR.No.26557

ORDER
IN
CRL OP(MD) No.9142 of 2015
Date :01/06/2015

rg.01.06.2015

2p.6c.