



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Second day of June Two Thousand Fifteen

PRESENT

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.9390 of 2015

WEB COPY

1 KESAVAN

2 DHANALAKSHMI

..PETITIONERS/ACCUSED 4 & 5

Vs.

STATE REP.BY THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
DINDIGUL DISTRICT.
CR.NO.82/2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MUNIYANDI Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate (Criminal Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A-4 & A-5 in Crime No.82 of 2015 on the file of the respondent police were arrested and remanded to the judicial custody by the respondent police on 19.02.2015 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(C) of NDPS Act and hence seek bail.

2. The case of the prosecution is that the petitioners were found in possession of 21 Kgs of ganja.

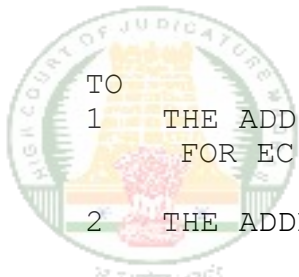
3.The learned counsel for the petitioners submitted that as per the case of the prosecution, the accused were arrested on 19.02.2015 at 08.30 hours and the case was registered on 11.00 hours on 19.02.2015, but the arrest memo contains the crime number, which creates a doubt over the entire case of the prosecution. It is further submitted that in similar circumstances, this Court granted bail to the accused in Crl.O.P(MD) No.4860 & 6744 of 2015, vide order dated 20.04.2015.

4. The learned Government Advocate(Crl. Side) on instructions submitted that this is a case of commercial quantity and therefore, the accused is not entitled for bail. Further, the learned Government Advocate(Crl. Side) filed counter affidavit opposing this application.

5. However, considering the earlier order passed by this Court in Crl.O.P(MD)Nos.4860 & 6744 of 2015, vide order dated 20.04.2015, this Court is inclined to enlarge the petitioners on bail on the following conditions. Accordingly, the petitioners are directed to be released on bail on executing a separate 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 & NDPS Act Cases, Madurai and on further condition that the petitioners shall appear before the respondent police daily twice i.e., at 10.00 a.m and 5.00 p.m until further orders.

sd/-

02/06/2015



TO

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

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

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE OFFICER INCHARGE, SUB JAIL, NILAKOTTAI, DINDIGUL DISTRICT.

5 THE INSEPCTOR OF POLICE, NATHAM POLICE STATION, DINDIGUL DISTRICT.

+1. CC to M/S.S.MUNIYANDI Advocate SR.No.26914

ORDER IN
CRL OP(MD) No.9390 of 2015
Date :02/06/2015

PBK/PPS 02/06/2015 ::2P-7C: