



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

Wednesday, the Twenty Fourth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14989 of 2016

SAHUL @ SAHUL HAMEED,

... PETITIONER/ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
DHANUSHKODI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.36 OF 2013)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S A.UTHAYAKUMAR Advocate

For Respondent : MR.P.KANNITHEVAN, 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 sole accused was arrested and remanded to judicial custody on 25.06.2016 for the alleged offences punishable under Sections 8(C) r/w. 20(b) (ii) (B) 25 of NDPS Act, 1985 in Crime No.36 of 2013, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the on 20.07.2013, the respondent police conducted a raid along with police party at Dhanuskodi Sea shore area. While so, they found A1 to A6 in possession of 6.500 kgs of Ganja and they were arrested by them. On complaint, a case has been registered for the above said offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and only based on the confession of co-accused his name has been falsely implicated in this case. He further submitted that co-accused were already arrested and enlarged on bail by the Court below in Crl.M.P.Nos.544 and 562 of 2013 respectively and the petitioner is in judicial custody from 25.06.2016 and prays for enlarging the petitioner on bail.

4.The learned Government Advocate (Crl.side) submitted that the investigation is completed and the charge sheet is filed and the same is not taken on file and the petitioner has no previous case.

5.Considering the fact that the petitioner is in judicial custody from 25.06.2016 and the co-accused were enlarged on bail by



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the Court below, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall execute 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, Ramanathapuram District.
- (ii) the petitioner shall appear before the respondent Police daily at 10.00 am and 5.00 pm until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.
sd/-

24/08/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM DISTRICT.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER INCHARGE, DISTRICT PRISON, RAMANATHAPURAM DISTRICT.
- 4 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE INSPECTOR OF POLICE, DHANUSHKODI POLICE STATION, RAMANATHAPURAM DISTRICT.

+1. CC to M/S K.UTHAYAKUMAR, Advocate SR.No.46803.

ORDER

IN

CRL OP (MD) No.14989 of 2016

Date : 24/08/2016