



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

Wednesday, the Thirtieth day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4904 of 2016

KAKKA @ SRINIKAJAMOHAMED

..PETITIONER/ACCUSED No.6

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

ERUVADI THARGA POLICE STATION,

RAMANATHAPURAM DISTRICT.

CR. NO.122/2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S B.PANDIARAJAN Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 07.02.2016 for the offences punishable under Sections 8(c) r/w 20(b), (ii)(C) & 23 © & 25, 29 of NDPS Act 1985 in Crime No.122 of 2015 on the file of the respondent police, seeks bail.

2.Heard Mr.B.Pandiarajan, learned counsel appearing for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3.

3. It is the case of the prosecution that on 14.06.2015, on getting secret information that ganja is being smuggled to Srilanka, the Special Sub Inspector of Police along with two Head Constables went to east Mangaleswar Nagar sea shore around 3.30 hours and on seeing the police party, the smugglers escaped in a country boat and the police intercepted a mini lorry bearing Registration No.02 AJ 1386 and recovered 2 kgs of ganja and on the arrest of the fourth accused Nagaraj, another 2 kgs of ganja was recovered. As regards this petitioner is concerned, he was found in possession of 4 kgs of ganja and there is no previous case against the petitioner and he was arrested on 07.02.2016 and the co-accused in this case has been granted bail in Crl.O.P.Nos.14326 etc of 2015 on 11.08.2015.

4. Taking into consideration the facts and circumstances of the case, this Court is of the view that this a fit case to grant bail to the petitioner. 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 Additional District and Sessions Judge/Presiding Officer Special Court for EC and NDPS Act, Pudukottai.

[ii] the petitioner shall report before the respondent police every day at 6.30 p.m. 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]**.

[vi] The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate (Crl. Side) as to whether the petitioner is complying with the condition or not.

sd/-

30/03/2016

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/
PRESIDING OFFICER SPECIAL COURT FOR EC AND NDPS ACT,
PUDUKOTTAI.
 - 2 -do-thro'THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, PUDUKOTTAI.
 - 3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
 - 4 THE INSPECTOR OF POLICE, ERUVADI THARGA POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 5 THE OFFICER-IN-CHARGE, DISTRICT PRISON, RAMANATHAPURAM.
- +1. CC to M/S B.PANDIARAJAN Advocate SR.No.17540

ORDER IN
CRL OP(MD) No.4904 of 2016
Date :30/03/2016

PBK/AAL-MPA/AR-I 30/03/2016 ::2P-7C::