



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

Friday, the Eleventh day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10629 of 2017

SAHADEVAN

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
RAJATHANI POLICE STATION,
IN CRIME NO.274 OF 2017,
THENI DISTRICT.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.MUNİYANDI Advocate

For Respondent : M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

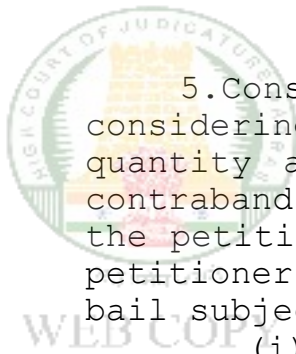
The petitioner / sole accused, who was arrested on 20.06.2017 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, in Crime No.274 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 1.100 kgs of Ganja.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that there was a delay in producing the contraband before the Court concerned and there was no explanation on the side of the respondent for the said delay.

4.The learned Additional Public Prosecutor submitted that the petitioner is the sole accused and earlier bail application in Crl.O.P.(MD)No.9449 of 2017 was dismissed by this Court on 21.07.2017 and after dismissal of the said petition, there is no change in circumstances. He further submitted that the petitioner is having 5 previous cases and investigation is still pending.

5.It is seen that earlier in Crl.O.P.(MD)No.9449 of 2017 the learned Additional Public Prosecutor submitted that the petitioner is having 6 previous cases and now he is submitting that the petitioner is having 5 previous cases.



5.Considering the facts and circumstances of the case and considering the fact that the seized contraband is below commercial quantity and there is no explanation for delay in producing the contraband before the Court and also the period of incarceration of the petitioner in jail, this Court is inclined 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 Principal District and Additional Special District Sessions Judge for NDPS Act, Madurai;

(ii)the petitioner is directed to appear before the concerned Court daily at 10.30 a.m. until further orders;

(iii)the petitioner shall not tamper with the 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 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 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].

sd/-

11/08/2017

/ TRUE COPY /

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

TO

1. THE PRINCIPAL DISTRICT AND
ADDITIONAL SPECIAL DISTRICT SESSIONS
JUDGE FOR NDPS ACT, MADURAI.
 2. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
 3. THE SUB INSPECTOR OF POLICE
RAJATHANI POLICE STATION, THENI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.MUNIYANDI Advocate SR.No.28620

ORDER IN
CRL OP(MD) No.10629 of 2017
Date :11/08/2017