



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

Monday, the Eleventh day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11707 of 2017

1 SUBRAMANIAN @ MOTTAPULLA
2 LAKSHMANAN

... PETITIONERS/ACCUSED NO.4 & 6

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
VEDHARANYAM POLICE STATION,
NAGAPPATINAM DISTRICT,
CRIME NO.166 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.KARNAN Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

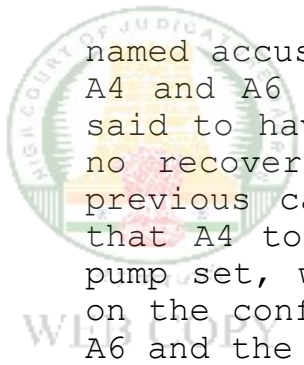
The petitioners, who are arrayed as accused nos.4 and 6 were arrested and remanded to judicial custody on 25.06.2017 for the offences punishable under Sections 8(c) r/w.20(b)(ii)(c) of NDPS Act in Crime No.166 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners along with other accused are said to have found in possession of 55 kg and 65 gram of Ganja, which is more than commercial quantity.

3. The learned counsel appearing for the petitioners states that the petitioners are an innocent person and they have not committed any offence as alleged by the prosecution and their names has been falsely implicated in this case. He would further state that there is no recovery from these petitioners and as per the allegation in the First Information Report, the petitioners are planned to send Ganja to Srilanka. He would further state that except the allegation of the confession of A1 no materials against the petitioners herein and the petitioners are not having any previous case in the similar nature of offence.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The Additional Public Prosecutor appearing for the respondent would submit on instructions that there are totally eight



named accused in this case and the petitioners herein are arrayed as A4 and A6 respectively. He would further state that A1 to A3 are said to have found in possession of 55 kgs and 65 gms of Ganja and no recovery is effected from A4 and A6 and there not having any previous case in similar nature of offence. He further contended that A4 to A7 are said to have taken the Ganja and brought to the pump set, where A1 to A3 have found in possession of contraband and on the confession of A1 the petitioners herein are arrayed as A4 and A6 and the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the fact only on the confession of A1 the petitioners names have been implicated in this case and that no recovery is effected from the petitioners and that they have not involved in previous case and that petitioners are in judicial custody from 25.06.2017, this Court is inclined to grant bail to the petitioners. Accordingly, **the petitioners are ordered to be released on bail** subject to the following conditions:

(I) Each of the petitioners 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 / Special Court under E.C. Act Cases, Thanjavur.

(ii) the petitioners shall appear before the Additional District and Sessions Court / Special Court under E.C. Act Cases, Thanjavur daily at 10.30 am until further orders.

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners 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/-

11/09/2017

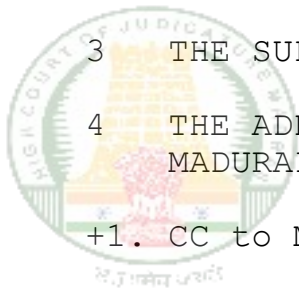
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/
SPECIAL COURT UNDER E.C. ACT CASES, THANJAVUR.

2 THE INSPECTOR OF POLICE
VEDHARANYAM POLICE STATION,
NAGAPPATTINAM DISTRICT.



3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.KARNAN Advocate SR.No.30433

TRP

CSL/PM-PN/SAR-III/08.09.2017 : 3P/6C

ORDER

IN

CRL OP(MD) No.11707 of 2017

Date :11/09/2017