



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

Tuesday, the Fifth day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13209 of 2017

1 SUMATHI BALA
2 KALINGAGE ROHANA SUSANTHA SILVA
3 THILAGE BEANTHA PEERISH
4 S.P.LOURDHU NELSON FERNANDO ... PETITIONER/ACCUSED No.4to7

Vs

STATE REP. BY THE
THE SUPERINTENDENT OF POLICE,
NO.66, BEACH ROAD, CUSTOMS DIVISION,
TUTICORIN DISTRICT
(O.R.NO.1 OF 2017-SUB) ... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.ALAGUMANI, Advocate

For Respondent : Mr.C.ARUL VADIVEL @ SEKAR, Advocate

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

ORDER : The Court Made the following order :-

The petitioners/accused nos.4 to 7 who were arrested and remanded to judicial custody on 03.05.2016, for the alleged offences punishable under Sections 8(C), 21 r/w 29 N.D.P.S in Crime No.01 of 2017-SUB, on the file of the respondent police seek bail.

2.The case of the prosecution is that on 03.01.2017 based on the secret information gathered by the Law Enforcing Agency, the contraband weight about 6 kgs of heroin were seized from the boat "Ebsiba" from Tuticorin old port, wherein, the petitioners/accused persons herein travelled from Srilanka to Tamilnadu in order to receive the contraband. All the petitioners are Srilankan citizens, accordingly, the Law Enforcing Agency lodged a complaint against the accused persons.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case and they did not commit any offence as alleged by the prosecution. He further submitted that the seized contraband is not heroin as stated by the prosecution.



4.The learned Government Advocate (Crl.side) appearing for the State, on instructions, would submit that the seized contraband quantity was 6 kgs, which worth about more than Rs.6 crores and the said contraband were tested by the Chemical Labs at Customs House, Chennai and Central Revenue Control Laboratory(CRCL), Delhi and they confirmed that the contraband is the heroin. He further submitted that if they were granted bail, they will tamper the witness and also abscond from the clutches of law, hence, he vehemently opposed this Court to grant bail to these petitioners.

5.Considering the facts and circumstances of the case and considering the submission made by the learned Government Advocate (Crl.side) and also considering the gravity of offence committed by the petitioners/accused this Court is not inclined to grant bail to the petitioners. Accordingly, the bail application is dismissed.

sd/-
05/12/2017

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

TO

- 1 THE SUPERINTENDENT OF POLICE,
NO.66, BEACH ROAD, CUSTOMS DIVISION,
TUTICORIN DISTRICT
- 2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.35562

ORDER
IN
CRL OP(MD) No.13209 of 2017
Date :05/12/2017

msa
SH/PN/SAR-2:12.12.2017:2p/5c