



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

Friday, the Seventh day of April Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.2088 of 2017

1 KANNAN @ KEDI KANNAN
2 RAJAM

.. PETITIONER/ ACCUSED 1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VELIPALAYAM POLICE STATION,
NAGAPATTINAM DISTRICT.
(CRIME NO.461 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.P.R. NATESA JAYARAMAN Advocate

For Respondent : M/S K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

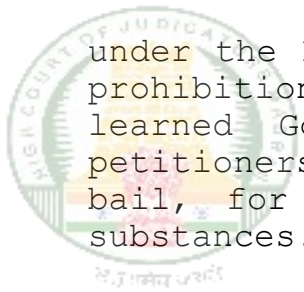
The petitioners, who are arrayed as accused, were arrested and remanded to judicial custody on 14.11.2016 for the alleged offence punishable under Sections 8(c) r/w. 22(c) of NDPS Act, 1985 in Crime No.461 of 2016, on the file of the respondent police and hence, seek bail.

2. The petitioners are husband and wife, found in possession of 500 gms of Diazepam, as Psychotropic Substance intended to mix it with arrack and sell it at higher price.

3. The learned counsel appearing for the petitioner submits that the case of the prosecution as narrated in the First Information Report itself clearly shows that it is a foisted case. Since it is alleged that on seeing the Police who was keeping surveillance upon their house, the petitioners tried to run away from the house and they were intercepted and arrested with 500 gms of Diazepam in gunny bag.

4. The contention of the counsel for the petitioners is that if at all the petitioners wanted to escape from the police, they would not have carried the Diazepam along with them.

5. The learned Government Advocate (Crl. Side) opposed the bail petition stating that the petitioners are having bad antecedents. The first petitioner is having four previous cases



under the Prohibition Act and the second petitioner is having three prohibition cases and one case under NDPS Act. Therefore, the learned Government Advocate (Crl. Side) submitted that these petitioners being habitual offenders, they should not be granted bail, for the possession of commercial quantity of Psychotropic substances.

6. On considering the rival contention of the respective counsels this Court see some force in the submission made by the petitioner counsel that the manner in which the contraband has been seized as narrated by prosecution is improbable. Therefore, this Court is inclined to grant bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

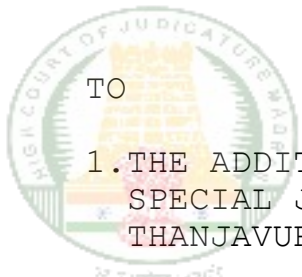
- (i) each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District and Sessions Judge / Special Judge (under EC Act), Thanjavur.
- (ii) the petitioners shall stay at Trichy and report before the Fort Police Station, Trichy, daily at 10.00 am until further orders.
- (iii) the petitioners shall not tamper with 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 learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself.

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/-
07/04/2017

/ TRUE COPY /

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



TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/
SPECIAL JUDGE (UNDER EC ACT),
THANJAVUR.

2. THE SUPERINTENDENT, CENTRAL PRISON, TIRUCHIRAPPALI.

3. THE OFFICER IN CHARGE, SUB-JAIL FOR WOMEN, THIRUVARUR.

4. THE INSPECTOR OF POLICE
VELIPALAYAM POLICE STATION,
NAGAPATTINAM DISTRICT.

5. THE INSPECTOR OF POLICE,
FORT POLICE STATION, TRICHY.

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

+1. CC to M/S.R.ILAYARAJA, Advocate SR.No.19715

ORDER

IN

CRL OP(MD) No.2088 of 2017

Date : 07/04/2017

MS/PM.PN/SAR.2/07.04.2017/3P.8C