



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

Friday, the Twenty Eighth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.3603 of 2017

S.CHANDRASEKARAN

... PETITIONERS /SOLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

THIRUKKUVALAI POLICE STATION, NAGAPATTINAM DISTRICT

(CR.NO.41 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.KUMARAVEL Advocate

For Respondent : Mr.K.V.Rajarajan, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/sole accused who was arrested and remanded to judicial custody on 20.02.2017 for the offences under Sections 8(C) r/w 22(C) of the NDPS Act in Crime No.41 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 550 grams of Diazepam power which is a psychotropic substance of commercial quantity.

3.According to the petitioner, he is innocent and law abiding citizen and he has not committed the alleged offence. However, based on the false case foisted against him, he is in judicial custody since 20.02.2017.

4.The case of the petitioner is that he was arrested on 20.02.2017 at 12.30 a.m and mahazar was prepared at the occurrence place itself. However, the FIR was registered only at 04.30 p.m on the same day. Whereas, the arrest card, arrest memo and seizure mahazar prepared much earlier contain the crime number which could have been made available only after registration of FIR.

5.The counter filed by the prosecution does not give any explanation for the abovesaid discrepancy. Whereas, it is only stated that the petitioner is involved in some other crime earlier and he has procured 550 grams of diazepam to mix it with Alcohol for the purpose of getting high temptation.



6. Since the prosecution has failed to give plausible explanation, this Court is of the opinion that there is a prima facie case to hold the petitioner innocent of the crime.

7. Hence, this Court is inclined to grant bail to the petitioner, 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 (Full Additional Charge) / Special Judge for E.C. Act Case, Thanjavur.

(ii) The petitioner shall report before the respondent/Police daily at 10.30 a.m. until further orders.

sd/-

28/04/2017

/ TRUE COPY /

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

TO

1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE D (FULL ADDITIONAL CHARGE) /
SPECIAL JUDGE FOR E.C. ACT CASE,
THANJAVUR.

2 THE SUPERINTENDENT
CENTRAL JAIL, TRICHY

3 THE INSPECTOR OF POLICE
THIRUKKUVALAI POLICE STATION, NAGAPATTINAM DISTRICT

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

+1. CC to M/S.K.KUMARAVEL Advocate SR.No.21593

SM:CM:MSA:SAR 4:3.5.2017:2P/6C

ORDER

IN

CRL OP (MD) No.3603 of 2017

Date : 28/04/2017