



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.3608 of 2017

SUNDARAMOORTHY @ NONDI SUNDARAMOORTHY

... PETITIONER / SOLE ACCUSED

Vs

State rep.by

THE INSPECTOR OF POLICE,

VELANKANNI POLICE STATION, NAGAPATTINAM DISTRICT.

(CR.NO.17 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 13.01.2017 for the offences under Sections 8(C) r/w 22(C) of the NDPS Act in Crime No.17 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 prohibited under the NDPS Act.

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 13.01.2017. The falsehood of the prosecution case could be very well seen from their own record namely, arrest card, arrest memo and seizure mahazar which were prepared at the occurrence place on 13.01.2017 at 08.00 a.m. Whereas, the FIR itself was registered only at 12.00 p.m on the same day. However, the other documents alleged to have been prepared earlier contain the crime number which clearly exposes the falsehood of the prosecution case.

4.Though the respondent/Police has filed counter stating that the petitioner being a known bootlegger, he should not be granted bail, there is no plausible explanation in the counter about the reason for the abovesaid discrepancy found in the records of the prosecution. Therefore, this Court is of the opinion that there is



a prima facie case to believe that the petitioner is not guilty of the offence alleged.

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 (FULL ADDITIONAL CHARGE) /
SPECIAL JUDGE FOR E.C. ACT CASE,
THANJAVUR
- 2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY
- 3 THE INSPECTOR OF POLICE,
VELANKANNI 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.21597

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

ORDER
IN
CRL OP(MD) No.3608 of 2017
Date :28/04/2017