



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.3833 of 2017

KUMAR @ KUTHIRAI VANDI KUMAR

... PETITIONER / SOLE ACCUSED

Vs

State rep.by

THE INSPECTOR OF POLICE

MAYILADUTHURAI POLICE STATION, NAGAPATTINAM DISTRICT

(CR.NO. 122 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.

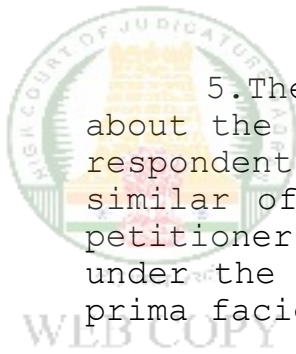
ORDER : The Court Made the following order :-

The petitioner/sole accused who was arrested and remanded to judicial custody on 11.02.2017 for the offences under Sections 8(C) r/w 22(C) of the NDPS Act in Crime No.122 of 2017 on the file of the respondent/Police, seeks bail.

2.According to the petitioner, he was arrested by the respondent/Police on 11.02.2017 alleging that he was found in possession of 550 grams of Diazepam power which according to the respondent is a psychotropic substance of commercial quantity.

3.The case of the petitioner is that he is innocent and law abiding citizen and he has not committed the alleged offence and he is in custody for the past 50 days based on the false case foisted against him by the respondent/Police.

4.According to the petitioner, the falsehood of the prosecution case could be easily seen from their own record which says that he was found in possession of psychotropic substance and the same was seized from him on 11.02.2017 at 06.30 p.m. Whereas, the FIR itself was registered only at 08.00 p.m. However, the arrest card, arrest memo, confession statement including seizure mahazar contain the crime number which could have been assigned only after registration of FIR.



5.The respondent in their counter has not adverted anything about the alleged discrepancy in the bail petition. According to the respondent/Police, the petitioner is already facing trial for similar offence in Crime No.332/16. The contraband seized from the petitioner is over and above the commercial quantity prescribed under the Act. Hence, he is not entitled for bail since there is a prima facie case against him.

6.The prosecution has failed to explain how the crime number was assigned in the arrest memo, confession statement even before FIR could be registered which entails for granting bail to the petitioner.

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/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/SPECIAL JUDGE FOR E.C ACT CASES, THANJAVUR
- 2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY
- 3 THE INSPECTOR OF POLICE
MAYILADUTHURAI 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.21600

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

ORDER
IN
CRL OP(MD) No.3833 of 2017
Date :28/04/2017
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