



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

Tuesday, the Twelfth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.4105 of 2017

MANIKANDAN

... PETITIONER/ ACCUSED(RANK NOT MENTIONED)

Vs

STATE: REP BY
INSPECTOR OF POLICE,
N.I.B.C.I.D., POLICE STATION,
THOOTHUKUDI.
(CRIME NO.25/2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.DEENADHAYALAN Advocate

For Respondent : M/S S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner / accused, who was arrested on 04.10.2016 for the offences punishable under Sections 8(c) r/w 20 (b)(ii) (c) and 25 of NDPS Act, in Crime No.25 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 64 kgs of Ganja.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is not having similar type of offence.

4.The learned Government Advocate(Crl. Side) submitted that the earlier bail petitions of the petitioner were dismissed by this Court and this is the 4th bail petition. She further submitted that the petitioner said to have driven the vehicle in which, the alleged contraband was seized and as per Section 37 of NDPS Act, there is a bar for granting bail. The petitioner is not having any previous case prior to and subsequent to the FIR in this case.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also no previous cases, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail 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 Judicial Magistrate, Tiruchendur;

(ii) the petitioner is directed to appear before the concerned Court daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-

12/04/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, TIRUCHENDUR.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.

3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4. INSPECTOR OF POLICE,
N.I.B.C.I.D., POLICE STATION, THOOTHUKUDI.

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

+1. CC to M/S.S.DEENADHAYALAN Advocate SR.No.20013

ORDER

IN

CRL OP(MD) No.4105 of 2017

Date : 12/04/2017

SVA/CM/MSA/13.04.2017/SAR4/2p/7c