



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

Wednesday, the Nineteenth day of April Two Thousand Seventeen
PRESENT

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

CRL OP(MD) No.4464 of 2017

WEB COPY

JEGANATHAN

... PETITIONER/2nd ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ARALVAIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT
CRIME NO.225 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.I.SEEMAN MOHIDEEN ABDUL Advocate

For Respondent : MR.P.KANDASAMY, Government Advocate(Crl.Side)

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

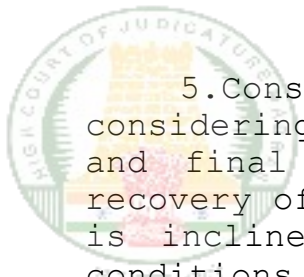
ORDER : The Court Made the following order :-

The petitioner / A2, who was arrested and remanded to judicial custody on 22.10.2016, for the offences punishable under Section 8 (c)r/w 20(b)(ii)(B) of NDPS Act, in Crime No.225 of 2015 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 92 kgs of Ganja.

3.The learned counsel appearing for the petitioner submitted that the petitioner is no way connected with this case and based on the confession of A1 the petitioner has been falsely implicated in this case and there is no incriminating materials available for the prosecution to implicate this petitioner in this case. He also submitted that A1 was also granted bail by this Court in Crl.O.P. (MD)No.16521 of 2015 on 28.10.2015.

4.The learned Government Advocate (Crl.side) appearing for the respondent submitted that initially the case was registered against A1 and based on his confession, the petitioner has been implicated in this case and arrayed as A2. He also submitted that totally there are 5 accused and A3 & A5 are still absconding, A4 was granted anticipatory bail. He further submitted that no contraband was seized from the petitioner herein and final report was filed and the same was also taken on file in C.C.No.205 of 2016 and the same is pending before the Special Court for EC and NDPS Act Cases, Madurai. He submitted that the petitioner is having one previous case in Crime No.394 of 2016 for possession of 1.100 grms of Ganja and he was arrested and based on PT warrant, he was arrested and remanded to judicial custody on 22.10.2016 in this case.



5. Considering the facts and circumstances of the case and considering the period incarceration and investigation is completed and final report has been filed in C.C.No.205 of 2016 and no recovery of contraband was effected from this petitioner, this Court is inclined to grant bail to the petitioner subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Special Court for EC and NDPS Act Cases, Madurai, and on further condition that:

[a] the petitioner shall report before the concerned Court every Monday at 10.30 a.m. until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned 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 learned 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/-
19/04/2017

/ TRUE COPY /

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

TO

1 THE SPECIAL COURT FOR EC AND NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE
ARALVAIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.

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

4 THE SUPERINTENDENT OF CENTRAL PRISON, MADURAI

+1. CC to M/S.S.POORNACHANDRAN, Advocate SR.No.20540

ORDER IN
CRL OP(MD) No.4464 of 2017
Date :19/04/2017