



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Wednesday, the Third day of May Two Thousand Seventeen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.5618 of 2017

WEB COPY

K.JEYAKUMAR

... PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
ERANIEL,
KANYAKUMARI DISTRICT
(CRIME NO.194 OF 2017)

... RESPONDENTS

For Petitioner : M/S. N. PRAGALATHAN Advocate

For Respondent : M/S.K.ANBARASAN, Govt. Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 20.04.2017 for the offences punishable under Sections 8 (c), 20(b)(i)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.194 of 2017 on the file of the respondent police, seeks interim bail.

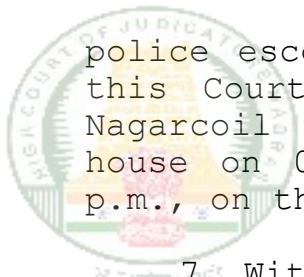
2. Heard Mr.N.Pragalathan, learned counsel appearing for the petitioner and Mr.K.Anbarasan, learned Government Advocate (Criminal Side) appearing for the respondent.

3. The petitioner was arrested by the respondent police on 20.04.2017 for possession of 2 kgs of Ganja and is in remand prisoner in District Jail, Nagarcoil. This petition has been filed for interim bail on the short ground that the petitioner's son, namely, Muthuraj, died in a road accident on 02.05.2017 and that the petitioner wants to attend his funeral.

4. Under normal circumstances, such a plea cannot be entertained directly by the High Court. However, in this case, it is seen that the petitioner is in Jail from 20.04.2017 and is an accused of possessing 2 kgs of Ganja, which is not a commercial quantity.

5. The learned Government Advocate (Crl. Side) confirmed that the petitioner's son died in a road accident.

6. Since the petitioner is a remand prisoner, the provisions of the Tamil Nadu Suspension of Sentence Rules, 1983 will not apply. Instead of granting him interim bail to the petitioner, on humanitarian grounds, if the petitioner is permitted to go under



police escort, it will serve the interest of justice. Therefore, this Court directs the Superintendent of Prison, District Jail, Nagarcoil to take the remand prisoner under police escort to his house on 04.05.2017 for the funeral and bring him back before 8 p.m., on the same day.

7. With the above direction, this criminal original petition is disposed of.

sd/-
03/05/2017

/ TRUE COPY /

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

TO

- 1 THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE INSPECTOR OF POLICE
ERANIEL POLICE STATION,
ERANIEL,
KANYAKUMARI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 4 THE SUPERINTENDENT OF CENTRAL PRISON,
DISTRICT JAIL,
NAGERCOIL,
KANYAKUMARI DISTRICT.

+2. CC to M/S. N. PRAGALATHAN Advocate SR.No.21840,21841

ORDER
IN
CRL OP(MD) No.5618 of 2017
Date :03/05/2017

AAM-PN/SAR 4/03.05.2017 2P 7C