



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

Wednesday, the Seventeenth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.5979 of 2017

1 MUTHU

2 MURUGESAN

... PETITIONERS / ACCUSED no.1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
NIB-CID SIVAGANGAI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.17 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.ARIVALAGAN Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

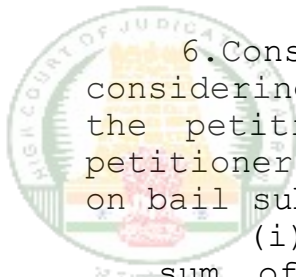
The petitioners / accused Nos.1 and 2, who were arrested on 04.04.2017, for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(C), 29(i) and 25 of NDPS Act, in Crime No.17 of 2017, on the file of the respondent police, seek bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent / Police.

3.The case of the prosecution is that on 04.04.2017 at about 8.30 hours based on the secret information, the respondent police along with police officials conducted vehicle check up near Aralipatti Junction Road at Thirupathur to Dindigul Road and at that time when checked a Tata Indica Car bearing Regn. No.TN 30 P 1492,found that there were 4 bags contained 110 Kgs of Ganja and seized the same under magazer. Hence this case.

4.The learned counsel for the petitioners would submit that the petitioners are no way connected with the crime and they are innocent persons and without proper enquiry, they have been falsely implicated in this case.

5. The learned Government Advocate(Crl. Side) submitted that the petitioners were in possession of 110 Kgs of Ganja at the time of their arrest and they have no previous case.



6. Considering the facts and circumstances of the case and considering the gravity of offence said to have been committed by the petitioners, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) each of the petitioners 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/Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukottai;

(ii) the petitioners are directed to appear before the respondent police daily twice at 10.30 a.m., and 05.30 p.m., until further orders;

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

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

17/05/2017

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/
PRESIDING OFFICER, SPECIAL COURT FOR
EC AND NDPS ACT CASES, PUDUKOTTAI.
- 2 OFFICER IN CHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
- 3 THE INSPECTOR OF POLICE,
NIB-CID SIVAGANGAI POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.ARIVALAGAN Advocate SR.No.22146

ORDER

IN

CRL OP(MD) No.5979 of 2017

Date :17/05/2017