



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

Friday, the Seventh day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.8145 of 2017

1 KAMARAJ  
2 KASTHURI

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE  
MAYILADUTHURAI POLICE STATION,  
NAGAPATTINAM DISTRICT  
CRIME NO. 432 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.P.ARUMUGAM Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 and A2 in Crime No.432 of 2017 on the file of the respondent police, were arrested and remanded to judicial custody on 12.06.2017 for the alleged offences punishable under Sections 8(c) r/w.20(b)(ii)(B) of NDPS Act and hence, seek bail.

2.The case of the prosecution is that the accused were found in possession of 1.500 Kgms of Ganja.

3.The learned counsel for the petitioner would submit that the petitioners are innocent and they have not committed any such offence as alleged by the respondent police.

4.The learned Additional Public Prosecutor submitted that the petitioners are husband and wife, who are arrayed as A1 and A2 respectively in this case. He further submitted that the first petitioner is having three previous similar type of offence under NDPS Act and the second petitioner has no previous case. He further submitted that the contraband was recovered from A1 and the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the fact that the contraband was recovered from A1 and the first petitioner is having three previous similar type of NDPS



Act, this Court is not inclined to grant bail in respect of the first petitioner/ A1. Accordingly, this petition is dismissed in respect of the first petitioner/A1. However, **the second petitioner/A2 is ordered to be released on bail** subject to the following conditions:

(i) the second petitioner/A2 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 under EC Act Cases, Thanjavur.

(ii) the second petitioner/A2 is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the second petitioner/A2 shall not tamper with the evidence or witness either during investigation or trial;

(iv) the second petitioner/A2 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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/-

07/07/2017

/ 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 UNDER EC ACT CAES, THANJAVUR.
- 2 THE SUPERINTENDENT, CENTRAL JAIL, TRICHY.
- 3 THE SUPERINTENDENT, CENTRAL JAIL (WOMEN), TRICHY.
- 4 THE INSPECTOR OF POLICE,  
MAYILADUTHURAI POLICE STATION, NAGAPATTINAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.KUMARAVEL Advocate SR.No.26145

ORDER

IN

CRL OP(MD) No.8145 of 2017

Date : 07/07/2017