



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

Monday, the Twenty Fourth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9217 of 2017

1 MOORTHY
2 RAJKUMAR
3 VINOTH

... PETITIONERS/ACCUSED NO.1 TO 3

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
SWAMIMALAI POLICE STATION,
SWAMIMALAI,
TANJORE DISTRICT.
CRIME NO. 136/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.J.MADHU Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

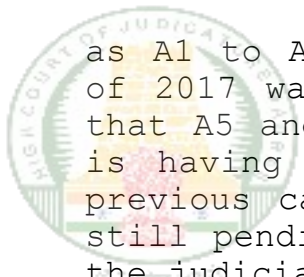
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 06.05.2017, for the offences punishable under Sections 22 (c) of NDPS Act and 25(1)(a) Indian Arms Act 1959, in Crime No. 136 of 2017, seek bail.

2. The case of the prosecution is that on the date of occurrence, A1 to A3 herein were said to have transported 590 grams of Diazepam under the category of commercial quantity in a white Swift car bearing registration No.TN 07 BY 0549 from Kumbakonam Via Neelathnallur and that vehicle followed by an another vehicle Tata Indigo bearing registration No.TN 04 AC 6396 which is driven by A4, in which weapons were seized and A1 is said to have drove the Swift car during the occurrence and 590 gms of contraband viz., Diazepam was seized from the said Swift car, in which A1 to A3 were travelling on the date of occurrence.

3.The learned Additional Public Prosecutor appearing for the respondent states that there are totally 6 named accused in this case and the petitioners in Crl.O.P(MD).No.9217 of 2017 were arrayed



as A1 to A3 respectively and the petitioner in CrI.O.P(MD).No.8388 of 2017 was arrayed as A4 in this case. He would further submit that A5 and A6 were granted anticipatory bail by this Court and A2 is having one case under Section 302 of IPC, A1 is having two previous cases under the penal provisions and the investigation is still pending. The petitioners herein were arrested and remanded in the judicial custody on 06.05.2017.

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4. The learned counsel appearing for the petitioners states that the petitioners are no way connected with the present case and they have been falsely implicated by the respondent police and they are innocent and they were not committed any such offence, as alleged by the respondent police.

5. Considering the above facts and circumstances of the case and also considering the fact that the seized contraband is a commercial quantity of 590 gms of diazepam and there is a bar under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed at this stage.

sd/-
24/07/2017

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

TO

- 1 THE INSPECTOR OF POLICE
SWAMIMALAI POLICE STATION, SWAMIMALAI, TANJORE DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

+1. CC to M/S.J.MADHU Advocate SR.No.27122

VSA/MSA
CSL/RR-BS/SAR-I/28.07.2017 : 2P/5C

ORDER
IN
CRL OP(MD) No.9217 of 2017
Date :24/07/2017