



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

Wednesday, the Second day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9563 of 2017

SIVABALAN ... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
NIB CID POLICE STATION,
RAMANATHAPURAM DISTRICT.
(IN CR.NO.22 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.SEPANA ALIAS SREE Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

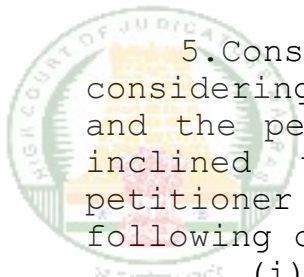
ORDER : The Court Made the following order :-

The petitioner / sole accused, who was arrested on 11.03.2017 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) of NDPS Act, 1985 in Crime No.22 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 50 kgs of Ganja.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is a Cardiac patient and he underwent angyo plastic surgery and now also he is taking treatment for his heart deceased at Central Prison Hospital and earlier, he was admitted in Government Rajaji Hospital, Madurai.

4.The learned Additional Public Prosecutor submitted that the petitioner is the sole accused in this case. He also submitted that earlier bail application in Crl.O.P.(MD)No.6468 of 2017 was dismissed by this Court on 06.06.2017 by considering the medical ground. He further submitted that for granting bail there is a bar under Section 37 of NDPS Act, 1985 as the alleged contraband is commercial quantity, however, the petitioner is not having any previous case for the similar type of offence. He also submitted that Chemical analysis report is also received and investigation is still pending.



5. Considering the facts and circumstances of the case and considering the period of incarceration of the petitioner in jail and the petitioner is not having any previous case, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) the petitioner 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 Additional District and Sessions Judge, (Special Court for E.C. and NDPS Act Cases), Pudukkottai;

(ii) the petitioner is directed to appear before the concerned Court daily at 10.30 a.m. until further orders;

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

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

02/08/2017

/ 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 COURT FOR E.C. AND NDPS ACT CASES), PUDUKKOTTAI.
- 2 THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.
- 3 THE INSPECTOR OF POLICE,
NIB CID POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.SEPANA ALIAS SREE Advocate SR.No.27938

ORDER

IN

CRL OP (MD) No.9563 of 2017

Date : 02/08/2017