



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

Monday, the Ninth day of January Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.23087 of 2016

BOOMINATHAN, ... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
NIBCID, MADURAI.
(CR.NO.114/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MUNIYANDI Advocate

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

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

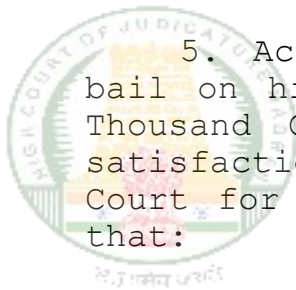
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 07.10.2016, for the offences punishable under Section 8 (c) r/w. 20(b)(ii)(C) and 25 of NDPS Act, in Crime No.114 of 2016, on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner states that the petitioner is A2 in this case and he has been implicated on the basis of the confession given by A1. He would further submit that no recovery is effected from the petitioner herein.

3. The learned Government Advocate (crl.side) appearing for the respondent states that there are totally three accused in this case and the petitioner herein is A2. A1 is the son-in-law of the petitioner. The petitioner herein has procured the contraband from Andra Pradesh for the purpose of selling the same through the remaining accused in this case. He would further submit that the entire contraband of 36 Kgs of Ganja was recovered from A1 and A3 in this case. The petitioner is having four previous cases of similar nature of this offences. Investigation is completed and charge sheet has also been filed and pending as C.C.No.345 of 2016.

4. Considering the facts and circumstances of the case and also considering the fact that no recovery is effected from the petitioner herein and the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner subject to certain conditions.



5. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judge for Principal Special Court for EC & NDPS Act Cases, Madurai and on further condition that:

[a] the petitioner shall report before the Additional District Judge for Principal Special Court for EC & NDPS Act Cases, Madurai, daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness during trial.

[c] the petitioner shall not abscond during trial.

[d] On breach of any of the aforesaid conditions, the learned 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 learned 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/-
09/01/2017

/ TRUE COPY /

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

MPK
TO

- 1 THE ADDITIONAL DISTRICT JUDGE
FOR PRINCIPAL SPECIAL COURT FOR EC AND
NDPS ACT CASES, MADURAI
- 2 THE INSPECTOR OF POLICE,
NIBCID, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUPERINTENDENT CENTRAL PRISON, MADURAI

+1. CC to M/S.S.MUNIYANDI Advocate SR.No.1564

GJM/SS3/SAR-I-9.1.17-2P-6C

ORDER
IN
CRL OP(MD) No.23087 of 2016
Date :09/01/2017