



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

Thursday, the Twenty Seventh day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9532 of 2017

1 KASAMMAL
2 VIJAYARAGHAVAN

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR,
CR NO. 255/2017.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.K.KUMARAVEL 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 14.07.2017, for the offences punishable under Section 8 (c) r/w 20(b)(ii)(B) of NDPS Act, in Crime No.255 of 2017, on the file of the respondent police, seek bail.

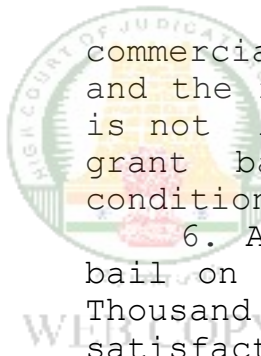
2. The case of the prosecution is that the accused were found in possession of 1.050 Kigs of Ganja.

3. The learned counsel appearing for the petitioner states that the petitioners are innocent and they have not committed any offence, as alleged by the respondent Police. He would further submit that out of 3 cases registered against the 1st petitioners, in one case, the petitioner was acquitted and in other two cases, there is no investigation by the respondent police so far.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally two accused in this case, who are the petitioners herein, arrayed as A1 and A2 respectively. The accused were found in possession of 1.050 Kigs of Ganja, which is commercial quantity. He also submitted that the first petitioner is having three previous cases. In Crime No.183 of 2012, for the similar type of offences, the petitioner was acquitted; in Crime No.560 of 2013 and in Crime No.337 of 2015, for similar types of offences, are pending for investigation and there is no previous case as against the 2nd petitioner and the petitioners were arrested and are in judicial custody from 17.07.2017 onwards.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Considering the above facts and circumstances of the case and also considering the fact that the contraband seized is a



commercial quantity and there is a bar under Section 37 of NDPS Act, and the first petitioner is having three previous cases, this Court is not inclined to grant bail to the 1st petitioner and inclined to grant bail to the 2nd petitioner alone, subject to certain conditions.

6. Accordingly, the 2nd 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 learned Judicial Magistrate No.II, Thanjavur and on further condition that:

[a] the 2nd petitioner shall report before the learned Additional District and Sessions Judge / Special Judge under E.C.Act Cases, Thanjavur, daily at 10.30 a.m., until further orders.

[b] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the 2nd petitioner shall not abscond either during investigation or trial and the petitioners shall co-operate with the investigation by the respondent police.

[d] On breach of any of the aforesaid conditions, the learned 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 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]**.

7. This Criminal Original Petition stands dismissed in respect of 1st petitioner is concerned.

sd/-

27/07/2017

/ 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 E.C.ACT CASES, THANJAVUR,
- 2 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.
- 3 THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE SUPERINTENDENT, CENTRAL JAIL, TRICHY.
- 5 THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION, THANJAVUR.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.KUMARAVEL Advocate SR.No.27415

ORDER IN
CRL OP(MD) No.9532 of 2017
Date :27/07/2017