



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

Monday, the Nineteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2120 of 2018

C.THAVAKUMAR,

... PETITIONER / ACCUSED-4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.136 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.V.VAIRAM SANTHOSH Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

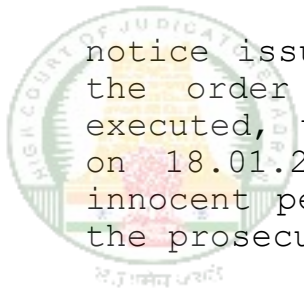
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / A4, who was arrested and remanded to judicial custody on 18.01.2018 for the offence punishable under Section 22(c) of NDPS Act, 1985 and Section 25(1)(a) of Arms Act , in Crime No.136 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in possession of 590 grams of diazepam and the same was recovered from the petitioner, further two cars, two pattakkathi and three veecharival were recovered through the some other accused involved in this crime. Thereafter, this Court has granted bail to this petitioner on 24.07.2017 in Crl.O.P(MD).No.8388 of 2017, after executing the bail bond, the petitioner has not complied the condition, as fixed by this Court. Due to that, NBW was issued and now he is in judicial custody.

3.The learned counsel appearing for the petitioner submitted that after getting bail order from this Hon'ble Court, the petitioner complied the Court order nearly sixty days, thereafter, the relaxation petition was filed before this Court and the same has been ordered. Thereafter, he failed to comply the same due to his ill health. In the meantime, he failed to appear before the learned Additional District and Sessions Judge/Special Judge for EC Act Cases, Thanjavur in C.C.No.24 of 2017, to that effect show cause



notice issued in CrI.M.P.No.289 of 2017 and Cr.M.P.No.290 of 2017, the order of NBW was issued on 05.12.2017, and the same was executed, thereby, the petitioner was remanded to judicial custody on 18.01.2018. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that due to non appearance of the petitioner, NBW was issued and he was arrested and remanded to judicial custody.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner and other 5 accused in this case were found in possession of 590 gms diazepam. Further, in connection with the allegation mentioned in the application, two cars were recovered. In such circumstances, previously, this Court has granted bail to this petitioner on 24.07.2017, after executing the bail bond, the petitioner has not complied the condition, as fixed by this Court. Apart from that, the petitioner is having 3 previous cases in the similar nature of offence. In the above circumstances, only because of the reason that the non appearance of the petitioner, NBW was issued and now he is in judicial custody. The above said attitude of the petitioner shows that he is not a law abiding citizen. Therefore, considering the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

sd/-
19/02/2018

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION, THANJAVUR DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY

+1. CC to M/S.G.V.VAIRAM SANTHOSH Advocate SR.No.2813

MSA
GJM/VC/SAR-4-28.2.18-2P-5C



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Date :19/02/2018