



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

Monday, the Twelfth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2799 of 2018

1 ALEX PANDIAN,
2 SEVATHI @ MAYANDI,

... Petitioners/Accused Nos. 2 & 3

Vs

1 THE STATE REP. BY
THE INSPECTOR OF POLICE,
SHOLAVANDAN POLICE STATION,
MADURAI DISTRICT,
(CR.NO.4 OF 2018)

... Respondent/Complainant

For Petitioner : M/S.S.MUNIYANDI, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

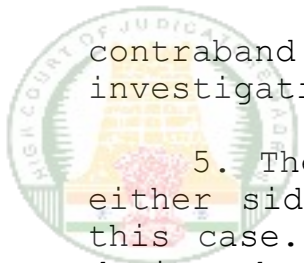
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.2 & 3, who were arrested and remanded to judicial custody on 03.01.2018 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.4 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the respondent police conducted routine vehicle check-up, at that time, the police party intercepted the motorcycle bearing Registration No.TN-59-AF-1033 in which the accused Nos.1 to 3 were riding and found that they were in possession of 26 Kgs of Ganja and recovered the contraband materials and arrested the accused. Hence, this case has been registered for the above said offences.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have been falsely implicated in this case. Therefore, he pleads bail for the petitioners.



contraband materials were recovered by the respondent police and the investigation is in progress.

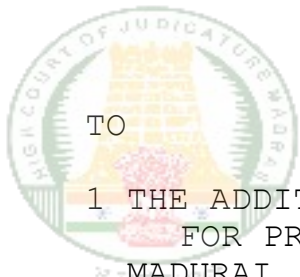
5. The submissions made by the learned counsels appearing for either side are considered. Totally three accused are involved in this case. The petitioners herein are A2 & A3. It is alleged that during the time of occurrence, the police party recovered 26 kgs of Ganja from the petitioners and other accused, in which, 10 Kgs of Ganja alone was recovered from the first petitioner/A2 in this case. Having regard to the second petitioner/A3, no contraband materials were recovered. In the above circumstances, the learned Government Advocate (Criminal side) fairly conceded that the petitioners are not having any bad antecedents. Moreover, they are in judicial custody from 03.01.2018 onwards. Hence, considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with some conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only), with two sureties each for a like sum to the satisfaction of the learned Additional District Judge for Principal Special Court for EC & NDPS Act Cases, Madurai;
- (ii) the petitioners shall report before the respondent police, daily at 10.00 a.m., until further orders;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners shall not commit any offence while on bail;
- (v) the petitioners shall not abscond either during investigation or trial;
- (vi) on breach of any of the aforesaid conditions, the bail granted to the petitioners shall stand automatically cancelled and 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 petitioners 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/-
12/03/2018

/ TRUE COPY /

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



TO

1 THE ADDITIONAL DISTRICT JUDGE
FOR PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT CASES,
MADURAI.

2 THE SUPERINDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
SHOLAVANDAN POLICE STATION,
MADURAI DISTRICT.

4 Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.S.MUNIYANDI, Advocate SR.No.3897.

ORDER

IN

CRL OP (MD) No.2799 of 2018

Date :12/03/2018

SDS/MM-PN/SAR.2/12.03.2018/3P/6C