



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

Tuesday, the Twenty Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3110 of 2018

1 LAKSHMI
2 THANGAM
3 KARUPPASAMY

... PETITIONERS / ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SATHUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CR.NO.39/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.P.SARAVANAKUMAR Advocate

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

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

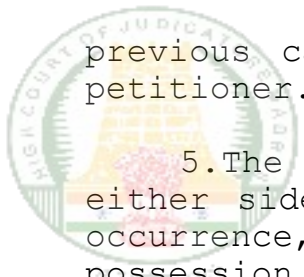
ORDER : The Court Made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody on 12.02.2018 for the offence punishable under Section 8(c) r/w Section 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.39 of 2018, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 12.02.2018, when the respondent police conducted a raid, they found that the petitioners were in possession of 1.500 kgs of ganja. Hence, a case has been registered against the petitioners for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution. He further added that the petitioners are in judicial custody from 12.02.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that totally there are four accused in this case. The petitioners herein are arrayed as A1, A3 and A4. The contraband materials, which were possessed by the petitioners had been recovered. He further submitted that the first petitioner is having one previous case, the second petitioner is having two



previous cases and no previous case is pending against the third petitioner. According to him, investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners and another one accused were found in possession of 1.500 kgs of ganja. According to prosecution, the first and second petitioners are having the previous cases in the similar nature of offence. As of now, investigation is not completed. Even though the contraband materials are recovered, considering the previous antecedents of the petitioners, this Court is not inclined to grant bail to the first and second petitioners herein.

6.Having regard to the third petitioner, he is in judicial custody from 12.02.2018 onwards. So, considering the period of incarceration of the third petitioner and considering the fact that the third petitioner is a first offender, further custodial interrogation of the third petitioner may not be necessary for completing the investigation.

7.Considering the above facts and circumstances, this Court is inclined to grant bail to the third petitioner. Accordingly, the third petitioner is ordered to be released on bail subject to the following conditions:

(i) the third petitioner 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 and Sessions Judge/Presiding Officer, Special Court for EC & NDPS Act cases, Pudukkottai.

(ii) the third petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders.

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

(iv) the third 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 third petitioner in accordance with law as if the conditions have been imposed and the third petitioner is 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/-
27/02/2018

/ TRUE COPY /



TO

1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE/ PRESIDING OFFICER,
SPECIAL COURT FOR EC & NDPS ACT CASES, PUDUKKOTTAI.

2 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, MADURAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
SATHUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.P.KALAIYARASI BHARATHI, Advocate SR.No.3129

ORDER

IN

CRL OP(MD) No.3110 of 2018

Date :27/02/2018

MKV-CM-VR-SAR 3/27.2.2018/3P-7C