



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

Tuesday, the Sixth day of March Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3377 of 2018

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JEYA

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CHECKANOORANI, MADURAI DISTRICT.
CRIME NO.924 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.J.LAWRANCE, Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

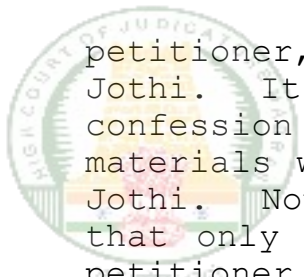
The petitioner, who is arrayed as accused No.3, was arrested and remanded to judicial custody on 25.12.2017 for the offences punishable under Sections 8(c) r/w. 20(b) (ii) (C) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.924 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the petitioner and other accused are said to have found in possession of 70 Kgs of Ganja. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution and her name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 25.12.2017. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the contraband materials were seized and the materials portion of the investigation has been completed.

6.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioner and two other accused were found in possession of 70 Kgs of Ganja, for which, a case has been registered. Now, on going through the averments made in the First Information Report, it is seen that only 10 Kgs of Ganja were recovered through this petitioner and the remaining contraband materials were recovered through two different accused. In response, the learned Government Advocate (Crl. Side) made representation that only as per the confession given by the



petitioner, the remaining 49.80 Kgs of Ganja were recovered from one Jothi. It is true, as per the averments, only after recording the confession from this petitioner and another accused, the contraband materials weighing about 49.80 Kgs of Ganja were recovered from one Jothi. Now, on going through the entire circumstances, it reveals that only 10 Kgs of contraband materials were recovered from this petitioner, which is not a commercial quantity.

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7. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 25.12.2017 and that the material portion of the investigation is completed and that the contraband materials were also recovered, further custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to enlarge the petitioner on bail. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) the 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 Principal Special Judge for Essential Commodities and NDPS Act Cases, Madurai.

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

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

(iv) the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

06/03/2018

/ TRUE COPY /

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

TO

1. THE PRINCIPAL SPECIAL JUDGE FOR ESSENTIAL COMMODITIES AND NDPS ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE, CHECKANOORANI, MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON FOR WOMEN, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.J.LAWRANCE Advocate SR.No.3553

ORDER IN

CRL OP(MD) No.3377 of 2018

Date : 06/03/2018