



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

Thursday, the Fifteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4109 of 2018

1 LAKSHMI
2 THANGAM

... Petitioners/Accused

Vs

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

... Respondent/Complainant

For Petitioner : 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, who are arrayed as accused, were arrested and remanded to judicial custody on 12.02.2018 for the offences punishable under Section 8(c) r/w. 20(b) (ii) (B) of NDPS Act, 1985 in Crime No.39 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners herein are said to have found in possession of 1.500 kgs of Ganja. Thus, on complaint, 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 and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the petitioners are in judicial custody from 12.02.2018.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the chemical analysis report is yet to be received.



5. The submissions made by the learned counsel appearing on either side are considered.

6. It is alleged, during the time of occurrence, the petitioners alleged to have found in possession of 1.500 kgs. Ganja. As of now, the said property was recovered. Moreover, the petitioners are in judicial custody from 12.02.2108. Considering the quantity of contraband material, which was recovered from the petitioners and that the same has not come under the commercial quantity and that the petitioners are in judicial custody from 12.02.2018, this Court is inclined to enlarge the petitioners on bail subject to some stringent conditions. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(I) each of the 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 and Sessions Judge / Presiding Officer, Special Court for E.C and NDPS Act Cases, Pudukkottai.

(ii) the petitioners shall appear before the respondent Police daily at 10.00 a.m. until further orders.

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

(iv) the petitioners 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].

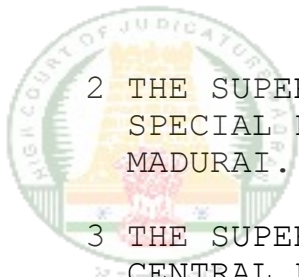
sd/-
15/03/2018

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

TO

1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE / PRESIDING OFFICER,
<https://hcservices.courts.gov.in/hcservices/>
SPECIAL COURT FOR E.C. AND NDDPS 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.4168.

ORDER
IN
CRL OP(MD) No.4109 of 2018
Date :15/03/2018

SDS/MM-PN/SAR.3/15.03.2018/3P/7C