



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

Monday, the Twenty Sixth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4705 of 2018

1 SAROJA
2 RAJIVGANDHI

... PETITIONER / ACCUSED 1 & 2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION,
THANJAVUR. IN CR.NO. 62/2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.KUMARAVEL, Advocate

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

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

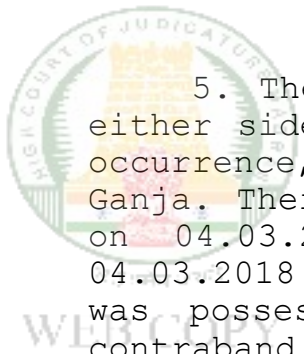
ORDER : The Court Made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 04.03.2018 for the alleged offences punishable under Section 8(c) r/w. 20 (b) (ii) (B) of NDPS Act, 1985, in Crime No.62 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in possession of 1.100 kgs of Ganja. Hence, the present 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 would further submit that the petitioners have been falsely implicated in this case and they are in judicial custody from 04.03.2018.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the contraband was recovered. He further submitted that the first petitioner is having two previous cases and the second petitioner has no previous case. According to the prosecution, the investigation is still pending.

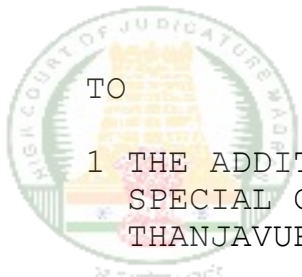


5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioners were found in possession of 1.100 kgs of Ganja. Thereby, they were arrested and remanded to judicial custody on 04.03.2018. The petitioners are in judicial custody from 04.03.2018 to till date. As of now, the contraband materials, which was possessed by the petitioners are recovered. The recovered contraband does not come under the category of commercial quantity. Eventhough, the first petitioner is having two previous cases, considering the period of incarceration and considering the quantity, which was possessed by the first petitioner, further custodial interrogation may not be necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Special Court for E.C.Act Cases, Thanjavur;
- (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 anticipatory 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 learned 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/-
26/03/2018

/ TRUE COPY /



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SPECIAL COURT FOR E.C.ACT CASES,
THANJAVUR.

2 THE SUPERINTENDENT,
CENTRAL JAIL,
TRICHY.

3 THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION,
THANJAVUR.

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

+1. CC to M/S.K.KUMARAVEL Advocate SR.No.4779.

ORDER

IN

CRL OP (MD) No.4705 of 2018

Date :26/03/2018

SDS/MM:PN/SAR.1/26.03.2018/3P/6C