



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

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4777 of 2018

MURUGAN @ MURUGESAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
MANNARGUDI POLICE STATION,
THIRUVARUR DISTRICT
(CRIME NO.57/2018)

... 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 petitioner, who is arrayed as sole accused, was arrested and remanded to judicial custody on 27.01.2018 for the offences punishable under Sections 8(c) r/w.20(b)(ii)(B) of NDPS Act, 1985 in Crime No.57 of 2018, on the file of the respondent police, seeks bail.

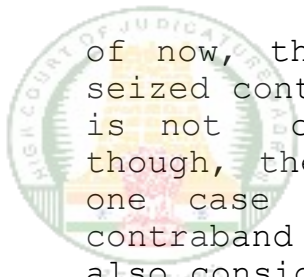
2. The case of the prosecution is that the petitioner is said to have found in possession of 1.200 Kgs of Ganja. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 27.01.2018.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the contraband materials were recovered and the petitioner is having 5 previous cases and the investigation is pending.

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

6. It is alleged, during the time of occurrence, the petitioner herein was found in possession of 1.200 Kgs of Ganja. As



of now, the contraband materials were recovered. The above said seized contraband materials, which were possessed by the petitioner, is not come under the purview of commercial quantity. Even though, the petitioner is having 5 previous cases, in which, only one case is similar in nature. Considering the quantity of contraband materials, which were possessed by the petitioner and also considering the period of incarceration, this Court came to the conclusion that the 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 subject to some stringent conditions. 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 Additional District and Sessions Judge, Special Court under EC Act Cases, Thanjavur.

(ii) the petitioner shall 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/-

27/03/2018

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SPECIAL COURT UNDER EC ACT CASES, THANJAVUR.
- 2 THE SUPERINTENDENT, CENTRAL JAIL, TRICHY
- 3 THE INSPECTOR OF POLICE
MANNARGUDI POLICE STATION, THIRUVARUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.KUMARAVEL Advocate SR.No.4864

ORDER IN

CRL OP(MD) No.4777 of 2018

Date :27/03/2018