



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

Friday, the Ninth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.18695 of 2018

PANEERSELVAM

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VILUPURAM WEST POLICE STATION,
VILUPPURAM DISTRICT.
IN CR NO. 599 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.JOSEPH JERRY Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 03.09.2018 for the offences punishable under Sections 4(i) (aa), 4(1-A) of TNP Act and under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, in Crime No.599 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 03.09.2018, when the respondent police conducted a raid along with their party, the petitioner was found in possession of 1.500 kilograms of ganja and 50 liters of poisonous arrack, for which, the petitioner was arrested and remanded to judicial custody.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the respondent police had filed a case in Crime No.600 of 2018 and the averments in the complaint are identical. The investigating Officer in both the cases are one and the same. The learned counsel for the petitioner submitted that this Court in Crl.O.P.(MD)No.1865 of 2018, by order dated 22.10.2018, granted bail to the accused in Crime No.600 of 2018. Hence, he prays for bail.



4. The learned Government Advocate (Crl.side) would submit that the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District Sessions Judge E.C.Act Cases, Thanjavur District and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 am for a period of 30 days and thereafter as and when required for interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned 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 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

09/11/2018

/ TRUE COPY /

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

TO

1 THE ADDITIONAL DISTRICT SESSIONS JUDGE
E.C.ACT CASES, THANJAVUR DISTRICT.

2 THE INSPECTOR OF POLICE,
VILUPURAM WEST POLICE STATION,
VILUPPURAM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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



+1. CC to M/S.A.JOSEPH JERRY Advocate SR.No.21291

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ORDER

IN

CRL OP (MD) No.18695 of 2018

Date :09/11/2018

JM/VR MMS/SAR 1/09.11.2018/3P/6C