



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

Thursday, the Twenty Eighth day of June Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP (MD) No.4768 of 2018

IN

CRL OP (MD) No.8689 of 2018

THE STATE THROUGH
STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
CHEKKANOORANI POLICE STATION,
MADURAI DISTRICT
IN CRIME NO. 924 OF 2017 ... PETITIONER / RESPONDENT/ COMPLAINANT

Vs

JOTHI ... RESPONDENT / PETITIONER /2nd ACCUSED

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to accept the affidavit and cancel the bail granted in Crl.OP (MD)No. 8689/2018 dated 23.05.2018

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.A.ROBINSON,GOVERNMENT ADVOCATE, for the petitioner and of Mr.M.RAMU, Advocate on behalf of the Respondent, the court made the following order:-

The petitioner has filed this Criminal Original Petition for cancelling the Bail granted in favour of the respondent, in Crl.O.P. (MD)No.8689 of 2018 dated 23.05.2018.

2.The respondent in this Miscellaneous Petition is an accused in Crime No.924 of 2017, on the file of Chekkanoorani Police Station. This case arose under NDPS Act. The contraband involved is a commercial quantity. For granting bail, the accused filed Criminal Original Petition in Crl.O.P.(MD)No.4584 of 2018, before me. I was not inclined to grant bail. Therefore, the matter was dismissed as withdrawn on 18.04.2018. But, a fresh application for bail was moved before the Vacation Court.

3.In all fairness, the accused should have waited to move the matter before me after the vacation was over. During vacation, bail was granted even without recording satisfaction in terms of Section 37 of NDPS Act. The very grant of bail in Crl.O.P.(MD)No.8689 of



2018, is inherently illegal. Therefore, to cancel the same, this Miscellaneous Petition has been filed.

4. Since the order seeking bail in favour of this accused Jothi is illegal, this Court has no hesitation to cancel the bail granted in favour of the said Jothi. The counsel Mr.M.Ramu, who filed Crl.O.P.(MD)No.8689 of 2018 is present before me. This order of cancellation is made after putting Thiru.M.Ramu, on notice.

Sd/-
28/06/2018

/ TRUE COPY /

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

TO

- 1 THE JUDGE,
PRINCIPAL SESSIONS COURT FOR E.C. AND NDPS ACT CASES,
MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
CHECKANURANI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to Mr.M.RAMU, Advocate SR.No.11820

MR

JAM/04/07/2018/ RR/RNB/ 2P-7C

ORDER IN
CRL MP(MD) No.4768 of 2018
IN
CRL OP(MD) No.8689 of 2018
Date :28/06/2018