



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

Monday, the Twenty Second day of October Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) Nos.13580 and 16700 of 2018

UMARAMANAN

... PETITIONER / ACCUSED NO.4
IN CRL OP(MD)No.13580/2018

KUMARASELVAM

... PETITIONER/ 3rd ACCUSED
IN CRL OP(MD)No.16700/2018

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VEDARANYAM POLICE STATION,
NAGAPATTINAM DISTRICT.
CRIME NO.139 OF 2018

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : Mr.K.M.KARUNAKARAN, Advocate
IN CRL OP(MD)No.13580/2018

: Mr.C.JEGANATHAN, Advocate for
M/S.VEERA ASSOCIATES
IN CRL OP(MD)No.16700/2018

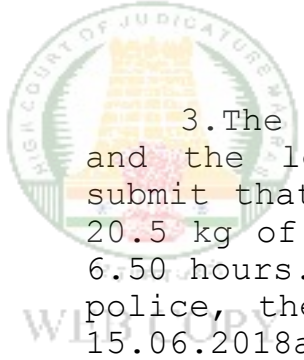
For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioner/A4 and A3 respectively, who were arrested and remanded to judicial custody on 15.06.2018 for the offences punishable under Sections 8(c) read with 20(b) (ii) (C) of N.D.P.S. Act, 1985, in crime No.139 of 2018, on the file of the respondent police seek bail.

2.The case of the prosecution is that on 15.06.2018, under the secret information that some persons were carrying narcotic i.e. Ganja, the respondent police conducted raid and they found that the petitioners along with others are in possession of 20.500 kg of ganja. Hence, the petitioners were arrested and a case has been registered.



3.The learned senior counsel appearing for the petitioner/A3 and the learned counsel appearing for the petitioner/A4 would submit that admittedly, the petitioners were found in possession of 20.5 kg of kanga and they have been arrested on 15.06.2018 at about 6.50 hours. However, as per the intimation issued by the respondent police, the case has been registered only at about 12.30 hours on 15.06.2018as against the accused persons. But, the arrest intimation contains the crime No.139 of 2018. He would further submit that any of the procedure laid down under the NDPS Act has not been followed by the respondent. Further, he would submit that the petitioners were incarceration from 15.06.2018 itself.

4.The learned Additional Public Prosecutor would submit by way of filing counter that on secret information, the petitioners and others were intercepted by the respondent police and found in possession of 20.5 kgs of ganja and immediately, they have been issued search memo and conducted search and they have been arrested and remanded to judicial custody on the same day and the investigation is pending and they are yet to file the charge sheet.

5.The petitioners are arraigned as A3 and A4 and on their confession, they categorically admitted that they are working under A1 and A2 on receipt of Rs.10,000/- as monthly salary. Admittedly, the petitioners were arrested on 15.06.2018 at about 6.50 hours, but, the arrest intimation contains the crime No.139 of 2018, whereas, the FIR has been registered on 15.06.2018 only at 12.30 hours. Therefore, this Court is of the view that the case of the prosecution is not believable one. Further, the petitioners were arrested on 15.06.2018 and considering the period of incarceration by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

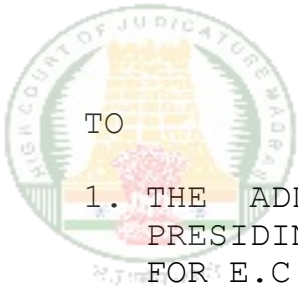
6.Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i)each of the petitioners shall execute 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 and Sessions Judge, Presiding Officer and Special Court for E.C.Act, Cases, Thanjavur

(ii) the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders.

sd/-
22/10/2018

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TO

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

2. THE SUPERINTENDENT, CENTRAL PRISON,
TIRUCHIRAPPALLI.

3. THE INSPECTOR OF POLICE
VEDARANYAM POLICE STATION,
NAGAPATTINAM DISTRICT.

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

+1. CC to MR.K.M.KARUNAKARAN Advocate SR.No.19950
+1CC TO M/S.VEERA ASSOAITES, ADVOCATE, SR NO.19964

ORDERIN

CRL OP(MD) Nos.13580 and 16700 of 2018

Date :22/10/2018

MS/PN/SAR-4/22.10.2018/3P.7C