



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

Thursday, the Sixth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20188 of 2018

DHENAGARAJ@DEENA

... PETITIONER / SOLE ACCUSED

Vs

STATE REP BY ITS,
THE INSPECTOR OF POLICE
VALAVANUR POLICE STATION,
VILLUPURAM DISTRICT
(CRIME NO.832 of 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.EDIN BROUGH Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

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

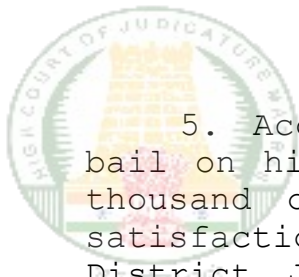
ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 19.09.2018, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(A) of NDPS Act, 1985, in Crime No.832 of 2018, on the file of the respondent police, seeks bail.

2. The learned Counsel for the petitioner would submit that the petitioner was arrested on 19.09.2018 for possession of 2 Kgms of Ganja. He would further submit that the petitioner has got a fracture on his leg and plate has been inserted and that the petitioner is very difficult to carry on his day-to-day activities and the petitioner is unable to attend to natural calls.

3. The learned Additional Public Prosecutor would submit that the petitioner was arrested for possession of 2 Kgms of Ganja and that the petitioner has got several previous cases and one for NDPS Act which is of the year 2018 and another one case for non commercial quantity. He would further submit that the petitioner is confined for the past 77-days.

4. 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.



5. 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 Judge cum E.C and NDPS Act, Thanjavur and on further condition that:

[a] the petitioner shall appear before the respondent police on every Monday at 10.30 a.m., without fail, until further orders.

[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/-

06/12/2018

/ TRUE COPY /

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

TO

1 THE ADDITIONAL DISTRICT JUDGE CUM
EC AND NDPS ACT, THANJAVUR

2 THE INSPECTOR OF POLICE
VALAVANUR POLICE STATION,
VILLUPURAM DISTRICT

3 THE SUPERINTENDENT, CENTRAL PRISON
KADALUR

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

+1. CC to MR.P.EDIN BROUGH Advocate SR.No. 22824

ORDER

IN

CRL OP(MD) No.20188 of 2018

Date :06/12/2018