



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

Thursday, the Thirteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21401 of 2018

1 RAJU @ RAJA
2 CHINNARASU

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SANKARAPURAM POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO.850/2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.P.SENGUTTUARASAN, 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 :-

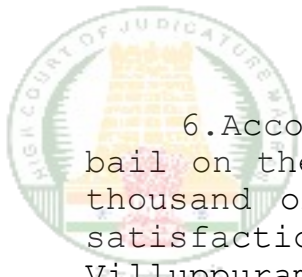
The petitioners were arrested and remanded to judicial custody since 07.11.2018 for the offence punishable under Section 8(c) r/w 20 (b) (ii) (B) NDPS Act 1985 and under Section 4(1) (aaa), 4(1-A) TNP Act, in Crime No.850 of 2018, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 07.11.2018, Ganja to the extent of 1.200 kgs and 140 litre of illicit arrack were recovered from the petitioners. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioners are innocent. They have been falsely implicated in this case for the purpose of statistics and they have not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor for the respondent submitted that the first petitioner is having 17 previous cases and no NDPS cases.

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



6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sankarapuram, Villuppuram District and on further condition that:

[a] the petitioners shall report before respondent police daily at 10.30.am.

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

[c] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

13/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, SANKARAPURAM,
VILLUPPURAM DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VILLUPPURAM DISTRICT.
 3. THE INSPECTOR OF POLICE,
SANKARAPURAM POLICE STATION, VILLUPPURAM DISTRICT.
 4. THE SUPERINTENDENT, CENTRAL PRISON, CUDDALORE.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.P.SENGUTTUARASAN Advocate SR.No.23260

ORDER

IN

CRL OP(MD) No.21401 of 2018

Date :13/12/2018

MS/PN-AC/SAR-2/13.12.2018/2P.7C