



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

Thursday, the First day of November Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.15419 of 2018

1 POTHUMANI
2 KURUMBAN
3 PASUPATHI
4 RAMESH

... PETITIONERS/ ACCUSED

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
SELLUR POLICE STATION,
MADURAI CITY.
(CRIME NO.1078/2018)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.B.PANDIARAJAN Advocate

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor

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

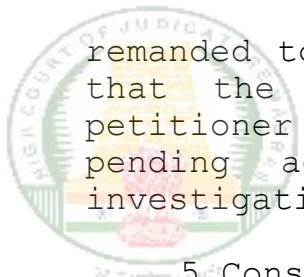
ORDER : The Court Made the following order :-

The petitioners are in judicial custody since 19.07.2018 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of N.D.P.S Act, 1985, in Crime No.1078 of 2018, on the file of the respondent police. They seek bail.

2.The case of the prosecution is that on 19.07.2018, when the defacto complainant was conducting usual checkup, at that time, he came to know that the accused persons were having two bags of ganja each containing 10.500 kgs. Hence, the case has been registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocents in alleged commission of an offence. Further, a mandatory provisions relating to search, seizure and arrest have not been complied with. Further, he would submit that this Court had already granted bail to the Accused No.4 and the petitioners are in incarceration from 19.07.2018 onwards. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners were jointly found in possession of 21 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. Further, he would submit that the first petitioner is having 8 previous case, third petitioner is having 4 previous case and there is no previous case pending against the second and fourth petitioners and the investigation is pending.

5. Considering the previous antecedents of the first and third petitioners, this Court is not inclined to grant bail to the first and third petitioners. Accordingly, this criminal original petition is dismissed as far as the first and third petitioners.

6. Considering the facts and circumstances and also considering the period of incarcerations, this Court is inclined to grant bail to the petitioners 2 & 4 with certain conditions.

(i) the petitioners 2 & 4 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 Principal Special Court for NDPS Act Case, Madurai.

(ii) the petitioners 2 & 4 shall appear before the respondent police daily at 10.30 a.m until further orders.

sd/-

01/11/2018

/ TRUE COPY /

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

TO

1. THE PRINCIPAL SPECIAL JUDGE
FOR NDPS ACT CASE, MADURAI.
2. THE SUB INSPECTOR OF POLICE
SELLUR POLICE STATION, MADURAI CITY.
3. THE OFFICER INCHARGE, SPECIAL PRISON FOR WOMEN,
MADURAI.
4. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.B.PANDIARAJAN Advocate SR.No.20895

ORDER

IN

CRL OP(MD) No.15419 of 2018

Date : 01/11/2018