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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.11 of 2019

BOTHAIRAJA ... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.
IN CRIME NO.402 OF 2018 ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.M.KARUNAKARAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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 20.12.2018 for the offences punishable under Section 8(c) and 20(b)(ii)(B) of NDPS Act,1985 in Crime No.402 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.12.2018 on receipt of secret information the police party had gone to the scene of occurrence where they saw the petitioner with polythene bag, on seeing the police the petitioner herein attempted to run away, thereafter when he was enquired he reveals that he was found in illegal possession of 1.100 kg of Ganja

3. The learned counsel for the petitioner would submit that the petitioner is a cooley and he has been falsely implicated as an accused and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate(Crl.Side) would submit that the property has been recovered from this petitioner and he would further submit that there is no previous case pending against the petitioner.

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5. 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.

6. Accordingly, the petitioner is ordered to be released on bail on their 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 and Sessions Judge, Presiding Officer and Special Court for E.C. Act cases, Thanjavur and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m 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/-
22/01/2019

/ TRUE COPY /

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

TO
1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PRESIDING OFFICER AND SPECIAL COURT
FOR E.C. ACT CASES, THANJAVUR.
2 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION, THANJAVUR DISTRICT.
3 THE SUPERINTENDENT,CENTRAL PRISON, TIRUCHIRAPPALLI.
4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.K.M.KARUNAKARAN Advocate SR.No.1018

ORDER
IN
CRL OP(MD) No.11 of 2019
Date :22/01/2019

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MS/VR/SAR-4/22.01.2019/2P.6C