



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

Monday, the Twenty Eighth day of January Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD) No.441 of 2019

NAGARAJAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
THANJAVUR EAST POLICE STATION,  
THANJAVUR DISTRICT.  
CRIME NO.480/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.MAHESWARAN, Advocate

For Respondent : Mr.S.CHANDRASEKAN, 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 28.12.2018 for the offences punishable under Section 8(c) r/w. 20(b)(ii)(B) of NDPS Act,1985 in Crime No.480 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 1.500 kgs of Ganja.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated as an accused and he has not committed any offence as alleged by the prosecution. He would further submit that the seized contraband is not a commercial quantity and admittedly section 37 of the NDPS Act would not attract in this case.

4. The learned Additional Public Prosecutor would submit that the property has been recovered from the petitioner and he would further submit that there is no previous case pending against the petitioner.

5. Considering the facts and circumstances of the case and also <https://hcservices.ecourts.gov.in/hcservices/> and also the fact that though the respondent was given sufficient time to file their counter they have not filed their counter and



also considering the fact that the seized contraband is not a commercial quantity and also 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 Judicial Magistrate No.I, 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/-

28/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,  
THANJAVUR EAST POLICE STATION,  
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.MAHESWARAN Advocate SR.No.1515

ORDER

IN

CRL OP(MD) No.441 of 2019

Date :28/01/2019

**MS/VR/SAR-4/28.01.2019/2P.7C**