



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

Wednesday, the Twenty Sixth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.6777 of 2019

SELVAM

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE DEPUTY SUPERINTENDENT OF POLICE,
USILAMPATTI SUB DIVISION,
MADURAI DISTRICT.
CRIME NO.121 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.MAHENDRAPATHY 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 petition has been filed by Accused No.2 seeking bail for the alleged offence punishable under Sections 8 (c), r/w 20 (b) (ii) (c), 29 (1), 25 of NDPS Act, in Crime No.121 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that even as per the FIR, while on 02.04.2018 at about 17.45 hours the respondent police conducted a raid, they found 52.100 Kgs of Ganja in the parking car, which belongs to A3. He further submitted that only based on the confession of A3, the petitioner has been falsely implicated in this case. The petitioner was arrested and remanded to judicial custody on 01.10.2018 and the petitioner is not having any previous case, and therefore, he prayed to grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that at the time of incident, the petitioner came along with two co-accused in the offending car and contraband weighing 52.100 Kgs was recovered on the car. Hence, he opposed this petition. However, he fairly conceded that A1 & A3 were



already released on bail. Based on the confession of A3, the petitioner was arrayed as A2. Further no recovery was made from the petitioner herein and he has no previous case. The Respondent filed counter also.

5. Admittedly no recovery has been made from the petitioner herein. Only based on the confession given by the accused No.3, this petitioner has been implicated in this case. No previous case is pending against the petitioner. The petitioner is in custody for nearly nine months.

6. Taking into consideration of the aforesaid facts, this Court is satisfied that there are reasonable grounds for believing that the petitioner is not guilty and that he is not likely to commit any offence while on bail as contemplated under Section 37 of the NDPS Act, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] 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 Principal Special Court for EC and NDPS Act Cased, Madurai.

[b] the petitioner shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

26/06/2019

/ TRUE COPY /

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



TO

1 THE PRINCIPAL SPECIAL JUDGE
FOR EC AND NDPS ACT CASES, MADURAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
USILAMPATTI SUB DIVISION,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No. 10533

ORDER

IN

CRL OP (MD) No.6777 of 2019

Date :26/06/2019

JM/VR/SAR 3/26.06.2019/3P/6C