

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

Date : 23/09/2019

PRESENT

**The Hon`ble Mr.Justice G.R.SWAMINATHAN**

**CRL OP(MD) . No.13232 of 2019**

Selvaraj

... Petitioner/Accused No.2

Vs

The State Rep.by,  
The Inspector of Police,  
NIB CID, Madurai  
(Crime No.30 of 2019). ... Respondent/Complainant

For Petitioner : M/s. D. Rameshkumar,  
Advocate.

For Respondent : A.P.G.Ohm Chairma Prabhu,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.30 of 2019 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner is in custody since 27.03.2019, for the offences under Sections 8 (c) r/w. 20(b) (ii) (c) and 29(i) and Section 25 of NDPS Act, in Crime No.30 of 2019. Hence, he seeks bail.

2.The contraband that was seized is a commercial quantity of Gancha weighing 23 Kilograms. The petitioner is having two previous cases. The petitioner seeks bail by contenting that the final report has not been filed within the period of 180 days. Mrs.P.Annamayil, The Inspector of Police, NIB CID, Madurai, is in-charge of the investigating officer in this case. She is present in person before me and I asked her as to why the final report was not filed within the mandatory period of 180 days. She replied that she made the final report ready as early as 25.04.2019 and handed over the same to Thiru.Seetharaman, learned Special Public Prosecutor for NDPS Act Cases, Madurai, on 25.04.2019. The Inspector of Police would make a specific statement that for full two months Thiru.Seetharaman, learned Special Public Prosecutor for NDPS Act Cases, Madurai, was retaining the final report with him and that he

returned the same with some endorsements. The Inspector of Police is said to have complied with the same and handed over the same. Once again, the final report was returned with an endorsement on 17.09.2019.

3.The statements made by the Inspector of Police before this Court is placed on record.

4.Since within a period of 180 days the final report was not filed before the Court, the petitioner is entitled to bail. Hence, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner 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 Additional District Judge, Madurai.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

5.At the same time, I cannot help remarking that the default bail has been granted to the petitioner, only on account of the circumstances set out above. Therefore, the Registry is directed mark a copy of this order to the Secretary, Home Department, Secretariat, Fort St.George, Chennai - 600 009. The Home Secretary will enquire and take appropriate action in the matter. The Action Taken Report will be submitted by the Home Secretary within a period of eight weeks.

6.The Registry is also directed to mark a copy of this order to the District Collector, Madurai District, Madurai and the Public Prosecutor, High Court Buildings, High Court of Madras, Chennai - 600 104.

sd/-  
23/09/2019

/ TRUE COPY /

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

TO

1.THE ADDITIONAL DISTRICT JUDGE,  
MADURAI

2.THE INSPECTOR OF POLICE,  
NIB CID, MADURAI

3.THE SUPERINTENDENT,  
CENTRAL PRISON, MADUARI.

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

COPY TO : 1.THE DISTRICT COLLECTOR,  
MADURAI DISTRICT, MADURAI.

2.THE PUBLIC PROSECUTOR,  
HIGH COURT BUILDINGS, HIGH COURT OF MADRAS,  
CHENNAI-600 104.

+1. CC to M/S. D. RAMESHKUMAR Advocate SR.No.16113

ORDER  
IN  
CRL OP(MD) No.13232 of 2019  
Date :23/09/2019

IAS

PK/SK/SAR-4/24.09.2019 : 3P/8C

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