



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/01/2020

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.230 of 2020

1. Nathiya
2. Rajendran

... Petitioners/Accused No.1 & 2

Vs

State Represented by the
Inspector of Police,
Velipalayam Police Station,
Velipalayam,
Nagapattinam District
Cr No.399 of 2019.

... Respondent/Complainant

For Petitioners : M/s.R.Karunanidhi,
Advocate.

For Respondent : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.399 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The first petitioner is in custody since 20.12.2019 and the second petitioner is in custody since 19.12.2019 for the offences under Sections 8(C) read with 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No. 399 of 2019 on the file of the respondent police. They seek bail.

3. The quantity of contraband involved is 4.400 Kgms. The



first petitioner is having 23 previous cases to his credit and the second petitioner is not having any previous case.

4. Therefore, I am inclined to grant relief to the second petitioner. I am not inclined to grant relief to the first petitioner. This Criminal Original Petition is dismissed as regards the first petitioner is concerned.

5. Taking note of the facts and circumstances of this case, I am inclined to enlarge the second petitioner on bail with certain conditions. Accordingly, the second petitioner is ordered to be released on bail, subject to the following conditions;

(i) the second 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 learned Additional District and Sessions Court / Special Court for EC & NDPS Act Cases, Thanjavur.

(ii) the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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].

sd/-
10/01/2020

/ TRUE COPY /

/ /2020

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

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/
SPECIAL COURT FOR EC & NDPS ACT CASES,
THANJAVUR.
2. THE INSPECTOR OF POLICE,
VELIPALAYAM POLICE STATION,
VELIPALAYAM,
NAGAPATTINAM DISTRICT.
3. THE OFFICER IN-CHARGE,
SUB JAIL FOR WOMEN, THIRUVARUR.



4. THE OFFICER IN-CHARGE,
DISTRICT JAIL, NAGAPATTINAM.

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

+1 CC to M/s.R.KARUNANITHI, Advocate (SR-664[I] dated 10/01/2020)

ORDER IN
CRL OP(MD) No.230 of 2020
Date :10/01/2020

PNN

TE/VR/SAR-IV : 10/01/2020 : 3P/7C