



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2020

PRESENT

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

CRL OP (MD) . Nos.1583 and 1585 of 2020

Senthil ... Petitioner/Accused No.1
in CRL OP (MD) . No.1583 of 2020

Revathi ... Petitioner/Accused No.3
in CRL OP (MD) . No.1585 of 2020

Vs

State Rep.by
The Inspector of Police,
Thadikombu Police Station,
Dindigul District.
Crime No.281/2019.

... Respondent/Complainant
in both Crl.O.Ps

(in both Crl.O.Ps)

For Petitioner : M/s.M.Jagadeesh Pandian, Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

COMMON PRAYER :-

for bail in Crime No.281 of 2019 on the file of the respondent police.

COMMON 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 petitioners are in custody since 8(c) r/w. 20(b)(ii)(C) and 25 of Narcotic Drugs and Psychotropic Substances Act, in Crime No.281 of 2019 on the file of the respondent police. Hence, they seek bail.

3. The case of the prosecution is that after receiving a secret information at about 06.00 a.m., on 10.07.2019 in this regard. The same was entered in the general diary at about 06.15 a.m. Based on

<https://hcservices.ecourts.gov.in/hcservices/>



the said secret information, the police party went to Anjali Roundana near Chettinacikenpatti Junction, Dindigul-Trichy bypass road. They intercepted a car bearing Registration No. TN 57 BA 1198 (Maruthi Alto 800) at about 6.30 a.m. There were three persons inside the car. They are namely., Senthil, the petitioner in Crl.O.P.(MD)No.1583 of 2020, Revathi, the petitioner in Crl.O.P.(MD) No.1585 of 2020 and their son/Sorriyaprakash. On search of the vehicle, 24 of ganja was seized. The contraband was kept in 12 packets each weighing 2 kgs. The accused were brought to station and FIR was registered at about 10.00 a.m.

4. The petitioners' counsel submitted that the entire recovery is highly doubtful. He pointed out that each and every one of the statements are computer typed. He submitted that all the documents were subsequently prepared in the station. It is quite possible that the interception and recovery of the contraband is true. But then, the documents were not prepared contemporaneously. They were subsequently prepared. This casts considerable doubt on the entire seizure and recovery. That impels me to come to the conclusion that the petitioners are not likely to have committed the offences in question. The petitioners are not having any previous case.

5. Since, the twin tests laid down in Section 37 of NDPS act are satisfied, I am inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Principal Special Court for EC & NDPS Act Cases, Madurai.

(ii) the petitioners are 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 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].

sd/-
10/02/2020

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/ /2020
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 SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3. THE SUPERINTENDENT, FEMALE CENTRAL PRISON,
MADURAI.

4. THE INSPECTOR OF POLICE,
THADIKOMBU POLICE STATION, DINDIGUL DISTRICT.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-2652[I] dated
10/02/2020)

ORDER IN
CRL OP (MD) . Nos.1583 and 1585 of 2020
Date :10/02/2020

MS/PN/SAR-3/10.02.2020/3P.7C