

In the court of the Principal Special Court for EC & NDPS Act Cases, Madurai.

Present : Thiru.V.Padmanabhan, M.A., M.L. D.H.
Additional District Judge / Presiding Officer.

Dated this the 1st Day of May 2020, Friday.

Special CrI.M.P.No. 18 of 2020

...

Anthony (Kutta Anthony), (21/2020).
S/o.Sebasthiyar.

.. Petitioner/Accused.

/Versus/

State through the Inspector of Police,
Dindigul Town North Police Station.
Cr.No.138/2020.

.. Respondent/Complainant.

This bail petition is filed through **online/email** account of the Court Manager, Principal District Court, Madurai and taken on file, filed on 11.04.2020 before me in this Court, finally on this day in the presence of Selvi.M.Lakshmi, Advocate for the petitioner and Thiru.P.Seetharaman, Special Public Prosecutor and upon perusing the records this court delivered the following:

ORDER

1) Due to national lockdown for COVID 19 virus pandemic, as a result prohibitory order u/s 144 of Cr.P.C has been promulgated by the Government of Tamil Nadu since 25.3.2020 and in turn regular work of the Subordinate Judiciary has also been suspended by the Honourable High Court of Madras till 03.05.2020. Whereas, exceptions have been granted to attend urgent works like bail depending upon the facts and circumstances of the case and also the nature of emergency. Accordingly, this petitioner/accused has filed this bail application on 11.04.2020 by online which has been forwarded to this court through email account by the Court Manager, Principal District Court, Madurai, and taken on file.

2) Heard both sides through conference call.

3) The learned Counsel appearing for the petitioner/accused would submit that the petitioner was in judicial custody from 25.02.2020 and charged for the alleged offence under section 8 (c) r/w 20 (b) (ii) (B) of NDPS Act; that the petitioner did not involve in this incident as alleged on prosecution side; that the petitioner is an innocent person; that if

the petitioner is released on bail he will abide the conditions of this court and that he may be released on bail.

4) In the objections filed on prosecution side, it is stated that the petitioner already involved in many IPC case incidents and that petition may be dismissed.

5) Even though earlier bail application was dismissed for reasons prevailing at that circumstances, now as a change of circumstances the petitioner is in judicial custody for about 70 days and the contraband totally involved in this case incident is 3.250 kgs. During remand period there is a possibility of completion of important portion of the investigation.

6) Considering the above circumstances, remand period and in view of the recent COVID 19 pandemic situation, taking lenient view and also in the interest of justice this court is inclined to grant bail to the petitioner.

7) Hence, the petitioner is enlarged on bail subject to condition on his executing own bond for Rs.10,000/- before the Superintendent, Central Prison, Madurai. Further, he should appear before this court within 10 days from lifting of lockdown, along with two sureties and execute a bond for the like sum each to the satisfaction of this Court and further condition to appear and sign before the respondent Police Station at 10.00 A.M. continuously without any deviation one month daily from lifting of lockdown period. Thereafter four weeks on every Friday.

In the result this petition is **Allowed**.

(Sd-) V.Padmanabhan,

Additional District / Judge Presiding Officer,
Prl. Spl Court for EC & NDPS Act Cases,
Madurai.

Copy to:

- 1) The Superintendent, Central Prison, Madurai.
- 2) The Inspector of Police, Dindigul Town North Police Station.
- 3) The counsel of the petitioner.