

Crl.O.P.No.15799 of 2015**R.SUBBIAH, J.**

The petitioner, who was arrested on 17.05.2015 for the alleged offences punishable under Sections 304(ii), 201, 177 IPC r/w 22 of NDPS Act, in Crime No.646 of 2014 on the file of the respondent-Police, seeks the relief of bail.

2.The petitioner herein has been arrayed as 10th accused in this case. The case of the prosecution, in brief, is as follows:-

2(1)On 10.09.2014 one T.Ganesh (A1) preferred a complaint before the respondent-Police stating that he is a Malayzian Citizen and he is staying in Chennai, in a rental house at Panaiyur; that his Malayzian friends namely Saravanan and Rasyidsyah used to visit Chennai often; that on 10.09.2014 at 6.00 clock, the said Saravanan contacted the complainant-T.Ganesh that he and his friend were not feeling well and they were lying near Poonamallee Bridge and asked him to pick up them; that the complainant T.Ganesh went to the said place and brought his friends to Sundar Hospital, Poonamallee, where he was advised to take them to Sri Ramachandara Medical College Hospital, Porur; thereafter, he took them to Sri Ramachandara Medical College Hospital, where the Doctor informed the complainant that his friends had already died.

2(2)Based on the complaint given by the complainant Ganesh, a case was registered by the respondent-Police in Crime No.646 of 2014 under Section 174 of Cr.P.C. The respondent-Police viz., Inspector of Police, T-16, Nasarethpet Police Station, Chennai went to the scence of occurrence, drew rough sketch and prepared observation mahazar in the presence of witnesses namely Tr.Sankar and Tr.Rajendran and their statements were recorded. Further, the Inspect of Police had examined the witnesses at the spot viz., (i)Tr.Peruaml, (ii)Tmt.Dilliammal, (iii)Tmt.Dhanalakshmi and (iv)Tmt.Rani and recorded their statements.

2(3)The Inspector of Police conducted inquest over the dead bodies of the deceased persons in the presence of five panchayatars and thereafter, the dead bodies were sent to post-mortem. The viscera samples of the dead bodies were sent to Forensic Scientific Laboratory, Chennai for chemical lab report and lab report along with final opinion was obtained from the concerned authorities. Further, the Inspector of Police examined Dr.Sivaprakash, Casualty Medical Officer, SRCM, Chennai and Dr.Janani, Assistant Professor, Department of Forensic Medicine and their statements were recorded by the Inspector of Police. The final opinion opined that 'death was due to asphyzia'.

2(4)The statements of the spot witnesses revealed that on

the date of occurrence none of the deceased persons were lying nearby Poonamallee New Bridge and no such occurrence had happened as alleged by the complainant Ganesh (A1). Hence, the Inspector of Police collected the call details of the complainant Ganesh (A1) from the service provider, which disclosed the tower location only at Melayanambakkam and Vanagaram and not at the place of occurrence viz., Poonamallee New Bridge area.

2(5)Based on the call details report, the Inspector of Police examined the complainant Ganesh (A1) on 25.09.2014 and he admitted that he along with 9 others colluded with each other and they were running a Factory located at Melayyanambakkam in the name of Detergent Factory, wherein they have illegally manufactured the Ketamine Hydrochloride i.e., narcotic drug and exported the same to Mayalyzia through Air Asia Cargo in the name of Sri Sai Exports. Further, the accused 1 & 2 confessed that on 09.09.2014 at Melatyyanambakkam factory, while the deceased persons were preparing Ketamin Hydrochloride and new type of Drugs, they were affected by the chemicals and due to asphyxia, the death has happened. Hence, on 25.09.2014 the accused 1 & 2 were arrested and the confessions statements were recorded and they were taken to the manufacturing unit, where raw materials along with 15 grams of Ketamin and alied chemicals were seized by the Inspector of Police

under cover of seizure mahazar. Subsequently, on 25.09.2014, the case was altered to Section 304(ii), 201, 177 IPC r/w 22 of NDPS Act and all the accused persons were arrested. The petitioner herein/A10 also colluded with the other accused and committed the offence

3.The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. Further, all the others accused viz., A1 to A9 were arrested and subsequently, they have been released on bail. Thus, the learned counsel for the petitioner sought for the relief of bail.

4.The learned Government Advocate (Crl.Side) opposed the grant of bail to the petitioner contending that the other accused persons viz., A1 to A9 were released on bail only after the statutory period of incarceration; but, the petitioner herein has been arrested only on 17.05.2015. Thus, the learned Government Advocate (Crl.Side) sought for dismissal of the bail petition.

5.Keeping the submissions made on either side, I have carefully gone through the materials available on record and I find that all the co-accused were released on bail only after the statutory period of

incarceration. But, so far as the petitioner herein/A10 is concerned, he has been arrested only on 17.05.2015; therefore, he cannot take advantage of the bail granted to the co-accused. Considering the gravity of the offence, I am not inclined to grant bail to the petitioner. The petition is liable to be dismissed.

In fine, the criminal original petition is dismissed.

06.07.2015

SSV

R.SUBBIAH, J.

SSV

Pre-delivery order

in

Crl.O.P.No.15799 of 2015

06.07.2015