



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

Thursday, the Nineteenth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.21476 of 2015

RAJENDRAN

... PETITIONER/ ACCUSED no.3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
Q BRANCH CID, RAMANATHAPURAM DISTRICT,
(CRIME NO.1 OF 2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.R.JEGADEESWARAN Advocate

For Respondent : Mr.K.CHELLAPANDIAN, Additional Advocate General
Assisted by Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

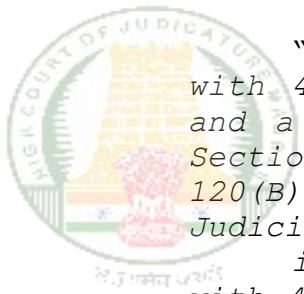
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.3, in Crime No.1 of 2015 on the file of the respondent police, was arrested on 20.07.2015 for the alleged offence punishable under Sections 10(a)(i) & (iv) and 38(1) of Unlawful Activities (Prevention) Act, 1967, Section 3(a) /w. 12(1)(a) of Passport Act, 1967, Sections 3 and 14(c) of Foreigners Act, 1946, Section 6 of Poisons Act, 1919 and Section 419 of I.P.C., and hence, seeks bail.

2. The case of the prosecution is that on 20.07.2015, the respondent police, during vehicle check up, found a TATA Indica Car bearing Registration No.TN 07 BK 3574, carrying 75 cyanide capsules, 300 grams chemicals, 4 Global Poisoning System Instruments, 9 cell phones, Indian Currency of Rs.46,200/-, Sri Lankan currency of Rs.19,19,300/-, one sovereign gold chain and the same was seized.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he is nothing to do with the alleged offence and A2 was arrested and released on bail by this Court in Crl.O.P.(MD). No.17060 of 2015 dated 07.09.2015.

4. The respondent police filed an objection petition and the learned Additional Advocate General submitted that the petitioner is a Sri Lankan and Member of LTTE, a banned Organisation in India and they are trying to use LTTE Organisation against the Sri Lankan Government. The petitioner is an agent of other accused knowing fully well that the other accused are the Members of banned Organisation of LTTE and helped them to go to Sri Lanka. The petitioner is assisting the Member of the banned Organisation against the interest of the Nation knowing fully well in the illegal activities. The petitioner has involved in two other smuggling cases and both are pending trial which are extracted hereunder:



"I) On 02.03.2007, the petitioner/accused A3 was arrested with 42 beedi bundles, while trying to smuggle to Sri Lanka and a case was registered in Mandapam PS Cr.No.38/07 under Section 10 of Unlawful Activities (Prevention) Act, 1967 r/w. 120(B) I.P.C. The case is pending before the Rameswaram Judicial Magistrate Court in C.C.No.60/2014.

ii) On 28.05.2013, the petitioner/accused A3 was arrested with 40 kgs. of Kanja, which was to be smuggled to Sri Lanka and a case registered in Mandapam PS Cr.No.49/13 under Section 8(c) r/w. 20(b) (ii) (C) of NDPS Act, 1985. The case is pending before the E.C. Court, Pudukottai in C.C.No.1/2014. This shows that he is a habitual offender and will resort to any trick to commit offences."

5. Totally there are 6 accused in this case and four accused were arrested and two accused are yet to be arrested and the investigation is pending and the sanction from Government has to be obtained.

6. From the facts, it is seen that the petitioner has involved in grave offence against the interest of the Nation and assisted the Members of the LTTE, a banned Organisation and two other previous cases are pending against him and the investigation is pending and two more accused have to be arrested and sanction from Government has to be obtained.

7. In view of the above, this Court is not inclined to grant bail to the petitioner. Hence, this petition is dismissed.

sd/-
19/11/2015

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
Q BRANCH CID, RAMANATHAPURAM DISTRICT.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, PUZHAI CHENNAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.21476 of 2015
Date :19/11/2015

NS/NGM/SAR I/25.11.2015 : 2P/4c