



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.21904 of 2014

SENTHILPANDI

..PETITIONER/ACCUSED No.2

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

NIB CID, MADURAI.

CRIME NO.4/14

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.BABU JAGANATH Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c) r/w 20(b) (ii)(c) 25 of NDPS Act in Crime No.4 of 2014 on the file of the respondent police, seeks anticipatory bail.

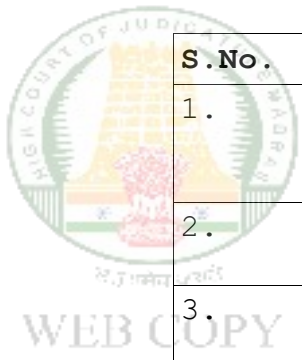
2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. The case of the prosecution is that on 13.01.2014, during vehicle check, Police intercepted a car on secret information and it was found to have 22 kgs of Ganja. Neela Mega Amaran (A1), who was a occupant of the car, was arrested by Police and on interrogation, he stated that he along with one Kannan (A6) had gone to Andhra Pradesh at the instance of this petitioner and his brother Murugan to procure huge quantity of Ganja and that they procured 46 kgs of Ganja and handed over the same to one Vijaya (A4) and Tamil Selvi (A5), who are said to be the associates of this petitioner. When Neela Mega Amaran and Kannan demanded money, he was given 22 kgs of Ganja in lieu of cash, which came to be seized by Police as stated above. Police have also recovered the balance contraband based on the confession statement of the arrested accused.

4. Learned counsel for the petitioner submitted that he is not arguing the case on merits, but on the ground that petitioner is suffering from renal failure and is one step away from grave. Therefore, this Court granted interim anticipatory bail to this petitioner with a direction to the respondent to file a status report with regard to the health condition of the petitioner.

5. Today, Police have filed a status report in which they have stated that this petitioner had undergone kidney transplant way back in the year 2010 and that he is under regular medical check up.

6. It is seen that even after 2010, this petitioner was involved in the offences.
<https://hdsceffedules.gov.in/cseoffices>



S.No.	Cr.No. & Section	Quantity
1.	366/2012 U/s.8(c) r/w.20(b)(ii)(B) NDPS Act on the file of Karuppayoorani P.S.Madurai District.	1.100 kms
2.	496/2013 U/s.302 IPC on the file of Teppakulam P.S.Madurai City.	-
3.	5/2014 U/s.147, 148, 326, 307, 302 IPC and 4(a)(b) of Explosive Substances Act on the file of Karuppayoorani P.S.Madurai District	-

7. It is also seen that this petitioner was attacked by his rival group for which a case in Crime No.425 of 2013 has been registered for offences under Sections 147, 148, 341 and 307 IPC against assailants.

8. Learned counsel for the petitioner submitted that in all these cases, anticipatory bail has been granted to the petitioner on health ground.

9. In the considered opinion of this Court no bail can be granted on health grounds, as a matter of routine, especially in a case involving commercial quantity of contraband, as that would attract the provisions of Section 37 of NDPS Act,

10. Here the health condition of this petitioner is not so grim as portrayed by his counsel. This Court is of the view that under the cover of health ground, Courts have been showing indulgence to this petitioner and that has emboldened him to carry on with his activities unabashedly.

11. Taking into consideration the serious nature of allegations against this petitioner, this is not a fit case to grant anticipatory bail to this petitioner. Hence, Criminal Original Petition is dismissed.

sd/-
29/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

2 THE INSPECTOR OF POLICE, NIB CID, MADURAI.

+1. CC to M/S.R.BABU JAGANATH Advocate SR.No.3987

ORDER IN

CRL OP(MD) No.21904 of 2014

Date :29/01/2015

PBK 30/01/2015 ::2P-4C: