



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

Thursday, the First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3257 of 2018

1 P.MAHESH
2 MANIKANDAN

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

THE STATE BY
THE INSPECTOR OF POLICE
MELAPPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT,
IN CRIME NO.44 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.KRISHNAN Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

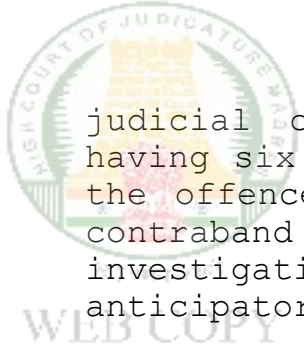
ORDER : The Court Made the following order :-

The petitioners are arrayed as Accused Nos.2 and 3 in Crime No.44 of 2018 on the file of the Melappalayam Police Station, Tirunelveli District. They apprehend arrest at the hands of the respondent police for the alleged offences under Sections 8(c) read with 20(b)(ii) (B) of NDPS Act, they have filed this petition, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that on 19.02.2018, the respondent police conducted a raid in the Veeramanicapuram Main Road and found that the petitioners and other accused were transported the ganja using motor cycle weighing about 1,150 Kgms, at that time, the petitioners were dropped the white gunny bag and ran away, the first accused namely, Ramesh was arrested on 19.02.2018. Hence, the respondent police registered a case as against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case, they have not committed any offence as alleged, they are no way connected with the alleged offence. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal side) submitted that the second petitioner has already arrested and remanded in



judicial custody on 26.02.2018 and the first petitioner herein having six previous cases, out of which, three cases registered for the offence under Section 307 IPC. He further submitted that the contraband materials were recovered. According to him, investigation is still pending and he vehemently opposed to grant anticipatory bail to the Petitioners.

5. The submissions made by the learned counsel on either side are considered. The learned Government Advocate made a submission the second petitioner/Manikandan was arrested and judicial custody on 26.02.2018 for the crime mentioned in this application. So the prayer sought **for anticipatory bail to the second petitioner is become infructuous.** With regard to the first petitioner, he has added as a accused, in this connection based on the confession given by the another one accused in this case. Further as per the case of the prosecution he found in procession of 1,150 Kgms of Ganja. Now, the said contraband materials were recovered. However, according to the submissions made by the learned Government Advocate (Criminal Side) the first petitioner herein/Mahesh having three previous cases, in which, the cases are registered for the offence under Section 307 IPC. So considering previous antecedents of the first petitioner, this Court comes to the conclusion, he is a habitual offender. Therefore, if the petitioner is granted anticipatory bail, he may be tried to tamper the evidence and hampering the witnesses. Hence, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

01/03/2018

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

TO

- 1 THE INSPECTOR OF POLICE
MELAPPALAYAM POLICE STATION, TIRUNELVELI DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER

IN

CRL OP(MD) No.3257 of 2018

Date :01/03/2018