



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

Wednesday, the Thirty First day of October Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.4579 of 2018

MURUGAN @ KEERIPATTI MURUGAN,

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REPRESENTED BY.
THE INSPECTOR OF POLICE,
MAYILADUMPARAI POLICE STATION,
THENI DISTRICT.
(CRIME NO.63 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.MUTHU SARAVANAN Advocate

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner/Accused, who arrested and remanded to judicial custody on 18.05.2017 for the offences punishable under Sections 8 (c) read with and 20(b)(ii)(C) of NDPS Act, 1985, in crime No.63 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent conducted a raid along with his police party, the petitioner tried to escape from the police and on identified by the informant, 110 bags of ganja containing 2 kgs each, totally 220 kgs of ganja was seized from the coconut field of the petitioner. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that now investigation is completed and charge sheet has been laid by the respondent and in the charge also, there is absolutely no evidence to prove the possession of the petitioner. Even in the case of prosecution, it is stated that the contraband was seized from the coconut field of the petitioner and no witness to prove the charge. He further contended that the previous case as against the petitioner ended in acquittal and the petitioner was arrested and remanded to judicial on 18.05.2017 and hence, he prayed for bail.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Additional Public Prosecutor would submit that



there were five previous cases in similar nature as against the petitioner and he was acquitted in all the cases, However, the petitioner is a habitual offender and hence, he opposes the grant of bail to the petitioner.

5. Admittedly, the respondent seized ganja weighing about 220 kgs from the coconut field of the petitioner and he involved in five cases in similar in nature and the petitioner was acquitted in all the cases, which shows that the petitioner is a habitual offender. Now the investigation is completed and the respondent laid charge sheet, which was taken cognizance in Spl. Case No. 313 of 2017 on the file of the Principal Special Court for EC and NDPS Act Cases, Madurai and the same is pending.

6. Considering the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner and hence, this criminal original petition is dismissed. However, the learned trial Judge is directed to complete the trial process, within a period of six months from the date of receipt of a copy of this order.

sd/-
31/10/2018

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL SPECIAL JUDGE,
EC AND NDPS ACT CASES MADURAI.
- 2 THE INSPECTOR OF POLICE,
MAYILADUMPARAI POLICE STATION,
THENI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

PS/RR/SAR-1/15/11/2018/2P/5C

ORDER
IN
CRL OP (MD) No. 4579 of 2018
Date : 31/10/2018