



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

Monday, the Fifth day of February Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

**CRL OP(MD) No.882 of 2018**

MALA

... PETITIONER/ACCUSED No.1

Vs

STATE REPRESENTED BY,  
THE INSPECTOR OF POLICE,  
USILAMPATTI TOWN POLICE STATION,  
MADURAI DISTRICT.  
(CRIME NO. 1080/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.CHINNAPONNU, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

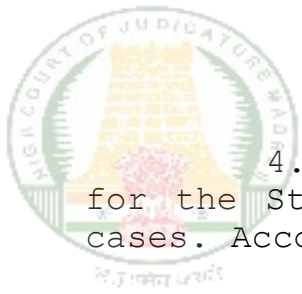
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 8 (c), 20(b)(ii)(B) and Section 25 of NDPS Act, in Crime No.1080 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that on 12.12.2017, the respondent police conducted a raid along with his police party near by Neeravimedu, , at that time, they found that the petitioner and other accused were found in possession of 1.500 kgs of ganja. On seeing the police officials, this petitioner ran away from the scene of occurrence and the second accused in this case was arrested by the respondent police. Hence, case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

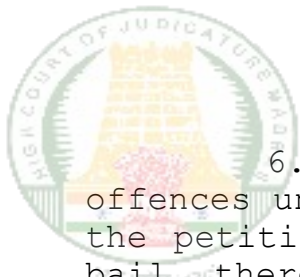


4.The learned Government Advocate(Criminal Side) appearing for the State submitted that this petitioner is having 8 previous cases. According to him investigation is still pending.

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5.Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the petitioner herein found in possession of 1.500 kgs of ganja. Even though the contra band material was recovered, as per averment made in the F.I.R, the petitioner herein ran away from the place of occurrence, after seeing the police officials. Further, as per prosecution, the petitioner is having the following previous cases:

| SL.N<br>O | NAME OF THE<br>STATION   | CRIME<br>NO.   | SEC. OF<br>LAW                       | C.C. &<br>S.T.C.NO.   | STAGE                                                            |
|-----------|--------------------------|----------------|--------------------------------------|-----------------------|------------------------------------------------------------------|
| 1.        | Usilampatti<br>Town P.S. | 81 of<br>2004  | 8(c)r/w 20<br>(b)(ii)(A)<br>NDPS Act | STC.No.69<br>of 2006  | PT                                                               |
| 2.        | Usilampatti<br>Town P.S. | 130 of<br>2004 | 8(c)r/w 20<br>(b)(ii)(A)<br>NDPS Act | C.C.No.206<br>of 16   | CON.Fine<br>Rs.1000/<br>-<br>J.M.Cour<br>t,<br>dt:22.04<br>.2013 |
| 3.        | Usilampatti<br>Town P.S. | 759 of<br>2005 | 8(c)r/w 20<br>(b)(ii)(A)<br>NDPS Act | CC.No.179<br>of 2006  | PT                                                               |
| 4.        | Usilampatti<br>Town P.S. | 131 of<br>2007 | 8(c)r/w 20<br>(b)(ii)(A)<br>NDPS Act | C.C.No.321<br>of 2009 |                                                                  |
| 5         | Usilampatti<br>Town P.S. | 29 of<br>2012  | 8(c)r/w 20<br>(b)(ii)(B)<br>NDPS Act | C.C.No.296<br>of 2012 | PT                                                               |
| 6         | Usilampatti<br>Town P.S. | 474 of<br>2012 | 110 Cr.P.C                           |                       | BO                                                               |
| 7         | Usilampatti<br>Town P.S. | 246 of<br>2013 | 8(c)r/w 20<br>(b)(ii)(B)<br>NDPS Act | C.C.No.323<br>of 2013 | PT                                                               |
| 8         | Usilampatti<br>Town P.S. | 11 of<br>2014  | 8(c)r/w 20<br>(b)(ii)(B)<br>NDPS Act | C.C.No.96<br>of 2014  | Con.5<br>year<br>Fine<br>Rs.25,00<br>0/- Dt:<br>19.01.20<br>17   |



6. All the above mentioned cases are registered for the offences under NDPS Act. So, considering the previous antecedents of the petitioner, if this type of petitioner is granted anticipatory bail, there may be chance for tampering the witness and hamper the investigation. Accordingly, the Criminal Original Petition is dismissed.

sd/-  
05/02/2018

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

TO

- 1 THE INSPECTOR OF POLICE,  
USILAMPATTI TOWN POLICE STATION,  
MADURAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.882 of 2018  
Date :05/02/2018

PK/RR-CSL/SAR-3/19.02.2018 : 2P/3C