



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

Monday, the Twenty Sixth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.15992 of 2018

MUTHU

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
CHECKANURANI POLICE STATION,
MADURAI.
CRIME NO.121/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.KARUNANITHI Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

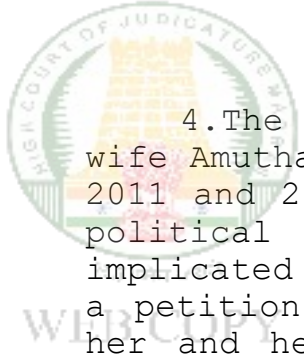
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b) (ii) (C) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, in Cr.No.121 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 02.04.2018, the defacto complainant along with other police officials, on receiving secret information from a informant about the illegal transportation of Ganja, went to the occurrence place and found a vehicle Maruti Omni bearing registration number TN-58 AW-5261 was parked in a suspicious manner. When they intercepted them, the petitioner herein escaped from the place and Ganja was seized from A3 and he was arrested and gave a confession before the respondent police and based on the confession of A3 this petitioner was arrayed as A1 in this case.

3.It is represented that A3 alone caught by the defacto complainant from the occurrence place and others are jumped from the vehicle and ran away from the scene of occurrence. In the confession, A3 stated that he along with his relative of Karugapillavillage, Muthu, son of Coolsamy and another was involved in transportation of Ganja. From the vehicle 52.100 kgms of Ganja was seized by the defacto complainant.



4.The contention of the petitioner is that the petitioner's wife Amutha was a Village Panchayat Vice President for the period of 2011 and 2016. Now, she had engaged in agricultural work and some political parties on jealous and enimical motive had falsely implicated her husband in this crime number. Further, she has filed a petition in CrI.O.P.(MD).No.11800 of 2018 seeking not to harass her and her family members under the guise of enquiry. In that petition, she stated that the A1 was falsely implicated in this case and also placed reliance upon the averments stated in this petition. Further he submits that the petitioner's father's name is Mokkarasu and not Coolsamy and the petitioner has been implicated in this case due to mistaken of identity. The learned counsel for the petitioner further submits that though the Lower Court as well as the respondent stated that the petitioners are involved in two other cases of similar in nature, there is no mention about the same in the counter. The petitioner is falsely implicated in this case.

5.The learned Government Advocate (CrI. Side) filed a counter affidavit, wherein he confirms and affirms that the petitioner is the accused who involved in the above case and there is no mistaken of identity.

6.Considering nature of offence and considering the contraband of 52.100 kilo grams which is more than the commercial quantity, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-
26/11/2018

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

TO

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

+1. CC to M/S. R.KARUNANITHI Advocate SR.No.22070

ORDER
IN
CRL OP(MD) No.15992 of 2018
Date :26/11/2018