



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 25/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL.O.P. (MD) . No.6650 of 2020

Murugan : Petitioner/Accused No.5

Vs.

State represented by,
The Inspector of Police,
Araalvaimozhi Police Station,
Kanyakumari District,
Crime No.225 of 2015.

: Respondent/Complainant

For Petitioner : Mr.G.S.Mahesh,
Advocate.

For Respondent : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

PETITION FOR BAIL UNDER SECTION 439 OF THE CODE OF CRIMINAL PROCEDURE.

PRAYER :-

For Bail in Crime No.225 of 2015 on the file of the respondent police.

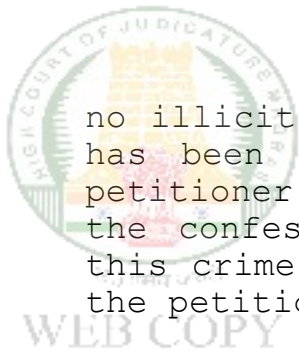
ORDER : The Court made the following order :-

The petitioner, who is Accused No.5 in Crime No.225 of 2015 on the file of the respondent police for the offences punishable under Sections 8(c) r/w 20(b), (ii) (b) @ Section 8(c) r/w 20(b), (ii) (c) of Narcotic Drugs and Psychotropic Substances Act, 1985, was arrested and remanded to judicial custody on 19.09.2018, and seeking bail, the present petition has been filed.

2. There are totally five accused in this crime and the petitioner is arrayed as Accused No.5. The allegation is that the petitioner along with other accused were found in illegal possession of 92 Kilograms of Ganja.

3. The learned counsel appearing for the petitioner submitted that the recovery was made only from Accused No.1 in this crime and

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



no illicit material was recovered from the petitioner herein and he has been falsely implicated in this case. Apart from that, the petitioner was not present at the time of seizure and only based on the confession of Accused No.1, the petitioner was implicated in this crime. Hence, the learned counsel prayed for bail in favour of the petitioner.

4. Per contra, the learned Additional Public Prosecutor appearing for the State submitted that the contraband has been recovered from the residence of all the accused and the confession of the co-accused, namely Accused No.1, clearly reveals that the petitioner was also actually involved in this crime. That apart, the petitioner is having number of previous cases for the similar offence and if the petitioner is released on bail, he will definitely indulge in another offence.

5. I have considered the rival submissions and also perused the records carefully.

6. On perusal of the materials available on record, it could be seen that 92 Kilograms of Ganja were recovered from the petitioner's residence and the confession of Accused No.1 clearly reveals the involvement of the petitioner/Accused No.5 also in this crime. That apart, the petitioner is having number of previous cases for the similar offence.

7. Considering the above circumstances and also the antecedents of the petitioner, I am not inclined to grant bail to the petitioner. Hence, the petition stands dismissed.

sd/-
25/08/2020

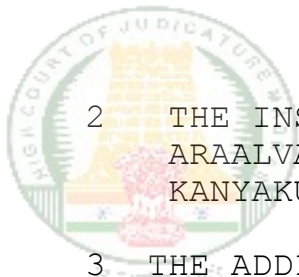
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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.



2 THE INSPECTOR OF POLICE,
ARAALVAIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.6650 of 2020

Date :25/08/2020

SML

AE/VR/SAR-II (27.08.2020) 3P 4C