



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

Date : 08/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9134 of 2020

WEB COPY

1. DURAIPANDI @ KARTHIK
2. SAIPU NISHA

... PETITIONERS/ACCUSED NO.1 & 2

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT
(CRIME NO. 171 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.S.C.Herold Singh,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.171 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners are arrayed as accused No.1 and 2, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 8(c), 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act 1985, in Crime No.171 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are selling Ganja in public place and when the same was questioned by the general public, there was a wordy quarrel between the parties, in which, the general public said to have attacked the petitioners and caused injuries. At the time, the respondent police recovered 200 gms of Ganja from the petitioners and thereafter, taken them Government Hospital, and instructed the petitioners to appear before the respondent police for enquiry on 10.07.2020. Not abiding the said direction given by the respondent police, the petitioners absconded from the hospital. Hence, the case has been registered.



3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case. However, on 08.07.2020, due to some previous enmity, the petitioners were attacked by some third party and the petitioners also seriously injured. Thereafter, the second petitioner has given a complaint before the respondent police in Crime No.169 of 2020, for the offences punishable under Sections 147, 148, 342, 323, 324 and 506(ii) of IPC r/w Section 4 of Women Harassment Act. Subsequently, the petitioners also admitted to the hospital and thereafter, the present case has been registered against the petitioners on 10.07.2020, which is a false case.

4.The learned Government Advocate (Crl. Side) appearing for the State submit that the first petitioner is having three previous cases and the second petitioner is having five previous cases. He would further submit that the petitioners were selling Ganja in a public place, on the date of occurrence, they are selling Ganja near market place, when the same was questioned by the public, in which, the petitioners beaten the public, at the time, the respondent police rescued the petitioners and found in possession of 200gms of Ganja was recovered and thereafter, taken them Government Hospital, thereby, instructed that the petitioners are directed to appear before the respondent police for enquiry on 10.07.2020. Not abiding the said direction given by the respondent police, the petitioners absconded from the hospital.

5.I carefully consider the rival submissions and perused the materials placed on record.

6.On perusal of the records, it is seen that the petitioners are habitual offender and already a number of previous cases are pending against them and the petitioners have also attacked by the general public questioning the petitioners for selling Ganja and thereafter, the respondent police taken to them hospital, but the petitioners without appearing for enquiry, and escaped from the hospital.

7.Considering the above facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. Hence, this petition stands dismissed.

sd/-
08/09/2020

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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.

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- TO
- 1 THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9134 of 2020
Date :08/09/2020

SJI
JM/JC/SAR IV/15.09.2020/3P/3C