



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

Date : 18/11/2020

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PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD) . No.12773 of 2020

1. Venkatesh
2. Dineshpaul

... Petitioners/ Accused Nos.6 & 7

Vs

The State rep.by
The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
Crime No. 526 of 2020.

... Respondent/Complainant

For Petitioners : M/s.M.Ramasubbu,
Advocate.

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

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

PRAYER :-

For Bail in Cr.No.526 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners were arrested and remanded to Judicial Custody on 09.09.2020 for the offences punishable under sections 8(c), 20(b), (II)(c) and 25 of NDPS Act, in Crime No.526 of 2020 on the file of the respondent police. They seek bail.

3. The learned counsel for the petitioners strenuously contended that the petitioners are suffering on account of false case registered against them. It is contended that the petitioners are law abiding citizens and they are computer engineers and therefore, they must be released on bail. The learned counsel for the petitioners urged this Court to consider the future career of these two petitioners/accused.



4.The learned Government Advocate (Crl.side) seriously objected the bail petition mainly on the ground that large quantity of contraband was recovered by the Police, more specifically, about 21 Kgs. In respect of the vehicle seized from the petitioners, 2.1 kg of contraband was recovered. The learned Government Advocate (Crl.side) made a submission that the quantity cannot be split up as there was a common intention to carry large quantity and it was split up for the purpose of selling the contraband at various places to the public. Thus, the bail petition is to be dismissed.

5.This Court is of the considered opinion that in such cases, the larger interests of the public is to be considered by the Courts. If large quantity of such contrabands are permitted to sell in the public, then, the same would create many other social problems and the persons like the petitioners cannot be encouraged by the Courts while the investigations are in progress.

6.The learned Government Advocate (Crl.side) rightly contended that the larger involvement is under investigation and even the learned counsel for the petitioners states that the large quantity of contraband was not seized by the police and the learned counsel made a submission that the petitioners himself were aware of the fact that 36 kgs of contraband were allowed to escape from the hands of the Police and the police are not taking serious action against them. The learned counsel for the petitioners raised serious allegations against the respondent police also. This Court has to consider such points also.

7.The respondent police are expected to conduct investigation in such circumstances in an intensified manner and seize the contraband and initiate appropriate action. In such commercial dealing of contrabands are concerned, the police are expected to act swiftly and confiscate the same and initiate all further actions by following the procedures. The accused persons should not be allowed to escape from the clutches of law in such serious offence, as such offences would affect not only the health but also the larger interests of the society and orderliness. Thus, there cannot be any leniency in such kind of cases even for grant of bail. The petitioners were arrested on 09.09.2020 and investigations are in progress. The police are bound to conduct wider investigation in view of the facts placed by the respective counsels and initiate appropriate action under law. Thus, the petition stands dismissed.

sd/-
18/11/2020

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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 SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI.
 2. THE INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.RAMASUBBU, Advocate (SR-7529[I] dated 18/11/2020)

ORDER
IN
CRL OP(MD) No.12773 of 2020
Date :18/11/2020

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AE/JC/SAR-II (23.11.2020) 3P 5C