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

Date : 04/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.13106 of 2020

1. Vekneshwaran
2. Mahanathi ... Petitioners/Accused Nos.1 and 2

Vs

State through
The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
(Crime No.44 of 2020). ... Respondent/Complainant

For Petitioners: Mr.V.Kathirvelu, Senior Counsel for
Mr.Gopalakrishna
For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

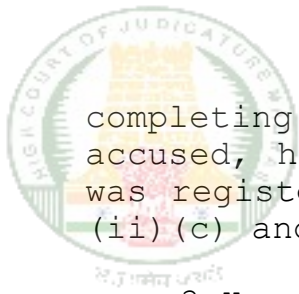
PRAYER :-

For Bail in Crime No.44 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 and A2 were arrested and remanded to judicial custody on 25.04.2020 for the offences under Sections 8(C) read with 20(b)(ii)(c) and 25 of NDPS Act, in Crime No.44 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 14.03.2020 at about 06.00 a.m based on secret information, the respondent and his team went to the petitioners' house. On seeing the Police party, the petitioners have escaped from the house and thereafter, when A3 has also tried to escape from the petitioners' house along with contraband, the respondent police has arrested A3 and he was in possession of 37 kgs of Ganja. Based on the confession of A3, the petitioners have been arrested by the respondent Police. After



completing all the formalities and taking the statement of the third accused, he was brought to the Station and Crime No.44 of 2020 was registered for the offences under Sections 8(C) read with 20(b) (ii) (c) and 25 of NDPS Act.

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

4. The learned counsel appearing for the petitioners submitted that totally there are four accused in this case. Only based on the confession statement of A3, the petitioners were implicated as accused and they were arrested and remanded to judicial custody on 25.04.2020. Except the confession of A3, there is no other material to connect the petitioner in this case. He further submitted that entire contraband were seized only from the third accused in the street not in the house of A1 and A2. Even according to the prosecution, the entire contraband were seized from the third accused and the petitioners are no way connected in this case and falsely implicated in this case. He further submitted that there is no previous case pending against the petitioners. Hence, he prayed for grant of bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that it is seen from the FIR, on secret information, the respondent went to the house of the petitioners along with his police team. On seeing the police personnel, the petitioners have escaped from their house and the third accused has tried to escape from the petitioners' house and he was arrested and he was in possession of 37 kgs of Ganja. He further submitted that the contraband were seized only from the petitioners' house. Hence, he prayed for dismissal of this petition.

6. It is seen from the records, totally there are four accused in this case, in which, the petitioners have arrayed as A1 and A2. According to the case of the prosecution, on receiving secret information, the respondent and his team went to the house of the petitioner and after seeing the police personnel, the petitioners have escaped from their house. When the third accused has also tried to escape from the scene of occurrence, the respondent police has arrested the third accused and contraband were seized from the petitioners' house.

7. Considering the facts and circumstances of the case and also considering the fact that only based on the confession of A3, the petitioners have been implicated in this case and the contraband were seized from the petitioners' house and there are serious allegations against the petitioners, this Court is not inclined to grant bail to the petitioners.



8. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
04/12/2020

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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,
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13106 of 2020
Date : 04/12/2020

vsg
AE/JC/SAR-II (16.12.2020) 3P / 4C