

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9899 of 2021

Ayyappa

... Petitioner

Versus

The State Rep.by
The Inspector of Police,
NIB CID,
Kancheepuram.
(Crime No.14 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the above Crime No.14 of 2021 on the file of the respondent police.

For Petitioner :

Mr.M.I.Javid Akbar

For Respondent :

Mr.E.Raj Thilak
Counsel for Government
of Tamil Nadu (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.02.2021 for the offence punishable under Sections 20(b), (ii) (B) of NDPS Act, 1985, in Crime No.14 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the respondent police on suspicion had inspected the petitioner in Kancheepuram Railway Station and found that he was in illegal possession of 6 kgs of Ganja. On seeing the respondent police, the petitioner tried to run away from the scene of occurrence and thereby, the respondent police registered a case against the petitioner.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner's mother, who is a widow, is suffering from Cancer and she recently undergone surgery and now she is taking treatment. The petitioner has also got an unemployed sister. The

petitioner is taking care of them both morally and financially. He further submitted that the charge sheet has been filed and investigation is completed. Without considering the above, the Lower Court, dismissed the petitioner's bail application. Due to the above order, the petitioner's statutory right would be affected. It is further submitted that if Section 167(2) of Cr.P.C. is followed, the petitioner's petition might not have been dismissed. Hence, he prays for grant of bail to the petitioner.

4. The learned counsel for Government of Tamil Nadu (Crl.Side) appearing for the respondent would submit that the petitioner's mother was suffering from Colon Cancer and surgery had taken place. Now, she is taking Chemotherapy treatment at Venkteswara Hospital, Tirupathi. He further submitted that the petitioner is from Andhra Pradesh and he was found in possession of 6 kgs of Ganja at Kancheepuram Railway Station and hence, he was arrested. Investigation has been completed. Since there is only three witnesses to the case, within a sought period, entire trial would be completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and as the petitioner was not involved in any previous case, the investigation should be completed within a short period. However considering the nature of case, this Court is not inclined to grant bail to the petitioner. Therefore, this Court directs the trial Court to complete the trial within a period of two months from the date of receipt of a copy of this order or after commencement of normal functioning of the Court, which ever is later.

6. Accordingly, this Criminal Original Petition is dismissed.

07.06.2021

Index: Yes/No
Internet: Yes/No
dna/gv

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To

- 1.The learned Judicial Magistrate No.I,
Kancheepuram.
- 2.The Inspector of Police,
NIB CID,
Kancheepuram.
(Crime No.14 of 2021)
- 3.The Public Prosecutor,
High Court, Madras.

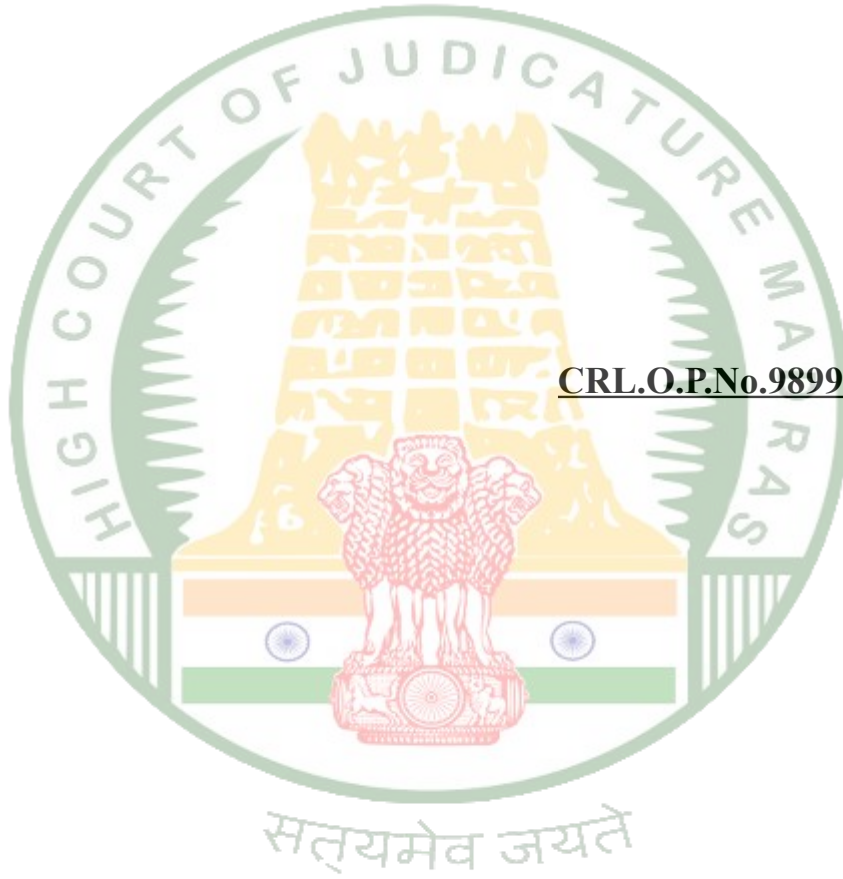


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M.NIRMAL KUMAR, J.

dna/gv



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