



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

Date : 24/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2326 of 2021

Ranjithkumar

... Petitioner/Accused No.3

Vs

State rep.by,
The Inspector of Police,
Sakkottai Police Station,
Sivagangai District
Crime No.380/2020.

... Respondent/Complainant

For Petitioner : Mr.R.Pandidurai,
Advocate.

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

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

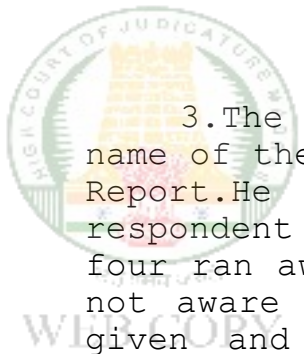
PRAYER :-

For Bail in Crime no.380 of 2020 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 29.09.2020 for the offences punishable under Sections 8 (c) r/w.20(b)(ii)(c), 25 of NDPS Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 23.09.2020 when the Sub Inspector of Police, was on night rounds at that time he saw a Renault kwid Car bearing Reg. No. TN 55BA 4959 parked in a place, where he found four persons sitting inside the car. Thereafter getting suspicion about their presence all the four were enquired and two of the persons gave their name as Kannan from Pudukottai and another Kannan from Karaikudi. While they were being enquired all the four persons escaped from the place. Thereafter in the presence of public witness the vehicle was seized and found 15 bundles . On search it was found to be ganja which was seized under mahazhar and found to be commercial quantity. Hence the complaint.



3.The learned counsel for the petitioner would submit that the name of the petitioner does not found place in the First Information Report.He would also submit that though in the complaint the respondent police sated that there were four persons in the car and four ran away leaving the Car and the contraband the petitioner is not aware of the same. No description of the petitioner has been given and he petitioner has been arrayed as accused and no explanation has been given for the same. He would also submit that the petitioner has been falsely implicated in this case and he is in judicial custody from 29.09.2020, hence he seeks bail.

4.The learned Government Advocate (Crl.Side)would submit that there are five accused in this case and the petitioner herein is arrayed as A4. The accused were travelling in a car and parked the car on the road side. When the defacto complainant was on duty found the car parked in a suspicious manner and enquired the occupants in the car and they gave their name and during enquiry they ran from the scene of occurrence. On subsequent investigation the accused persons were arrested. Further the seized contraband falls under the category of commercial quantity. He also stated that A3 and A5 are still absconding. He would also submit that the investigation is at the crucial stage, property has been recovered and car was also produced before the concerned Court and the samples have been sent for chemical analysis and report is yet to be received. The respondent police has also given requisition for extension of time for filing final report before the lower Court hence he strongly opposed to grant bail to the petitioner.

5. It is seen that Contraband seized falls under the category of commercial quantity and two of the accused persons are still absconding. Further the petitioner has not made a case for rebutting statutory presumption against him, hence this Court is not inclined to grant bail to the petitioner.

6. In the result, the petition stands dismissed.

sd/-
24/02/2021

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/ /2021
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,
SAKKOTTAI POLICE STATION,
SIVAGANGAI DISTRICT

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

ORDER

IN

CRL OP(MD) No.2326 of 2021

Date : 24/02/2021

AAV

PK/SMA/SAR-IV/01.03.2021 : 3P/4C