



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). Nos.3036 and 4094 of 2021

Balamurali @ Ovayan Balamurali ... Petitioner/Accused No.5
in Crl.O.P.(MD)No.3036 of 2021

Vetrivelmurugan ... Petitioner/Accused No.6
in Crl.O.P.(MD)No.4094 of 2021

Vs

State rep by
The Inspector of Police,
Koodalpudur Police Station,
Madurai District.
Cr No. 1388/2020.

... Respondent/Complainant
in both petitions

For Petitioner : M/s.Sudhasathyananth.B.,
(in both petitions) Advocate.
For Respondent : Mr.Kr.Bharathikannan
(in both petitions) Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.1388 of 2020 on the file of
the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A5 and A6, who apprehend arrest at the hands of
the respondent police for the offence punishable under Sections 8(c)
r/w 20(b)(ii)(C) of NDPS Act in Crime No.1388 of 2020 on the file of
the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 05.09.2020 at about
14.45 pm., when the respondent police on their regular check up at
Anaiyur, near Imayam Nagar, Amman Nagar 1st street, the petitioners
along with other accused were trying to escape from the spot on
seeing the respondent police. On suspicious, the police party
caught A-2 and A-3 and while searching them belongings, 22 kgs
contraband was found. Hence, the present case has been registered.



3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case and further the respondent police not followed the mandatory provision of Sections 42, 50, 52A and 57 NDPS Act.

4.The learned Government Advocate (Crl.side) appearing for the respondent submitted that the total quantity of Ganja involved is 22kg and the same was recovered by the respondent police.

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

6. It is seen from the submissions made that the petitioners are A5 and A6 in this case. When the police party conducted a raid, they found at about 15 hours on 05.09.2020 near the house of the first accused Prakash @ Prakatheeswaran was having white colour gunny bag and there were 15 persons near him and on seeing the police, the petitioners and others escaped from the scene. The police introduced themselves and found that the gunny bag contained 22kg of ganja.

7.It is seen from the allegations made in the FIR that there is a prima facie case made out against the petitioners/A5 and A6 to show that they were found possession of 22kg of ganja along with other accused. The ganja seized in this case is of a commercial quantity. The petitioners/A4 and A5 have not satisfied the twin conditions for granting anticipatory bail under Section 37 of the NDPS Act ie., there are reasonable grounds for believing that they are not guilty of such offence and that they are not likely to commit any offence while on bail.

8.In this view of the matter, this Court is not inclined to grant anticipatory bail to the petitioners/A5 and A6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
30/04/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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 INSPECTOR OF POLICE,
KODALPUDUR POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) Nos.3036 and 4094 of 2021

Date : 30/04/2021

VB AKM SAR IV(20/05/2021) 3P / 3c