



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

Date : 21/04/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.5693 of 2021

Ravi ... Petitioner/Accused

Vs

THE STATE REP.BY
The Inspector of Police,
Athoor Police Station,
Thoothukudi District.
(Crime No.137 of 2019).

... Respondent/Complainant

For Petitioner : M/s.M.Lingadurai,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side).

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

PRAYER :-

For Bail in Crime No.137 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioner was arrested and remanded to Judicial Custody on 29.08.2019 for the offences punishable under sections 8(c), 20(b) (ii)(c), 29(1) and 25 of NDPS Act, in Crime No.137 of 2019 on the file of the respondent police. He seeks bail.

3. The petitioner is figuring as fifth accused in the said case. The petitioner as well as the other accused filed individual bail petitions and they were taken up together and dismissed on



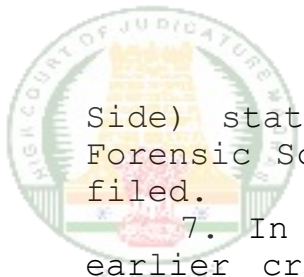
4. The order dated 31.08.2020 in Crl.O.P.(MD) No.5306 of 2020 is relevant. It was observed as follows:-

"12.Coming to A5-Ravi, the case of the prosecution is that Ravi is the owner of the Xylo car bearing registration No.TN 18 X 0919 and he helped to transport Ganja from Thiruthurai Poondi Village to the factory premises of A6-Sakthivel at Thiruvananthurai in Thiruvarur District. A5-Ravi is said to have driven the vehicle himself from Thiruvananthurai Village to Mukkanai Roundana Village. The contraband was shifted in TATA ACE vehicle that belonged to Sakthivel. While Sakthivel accompanied him, it was Ravi who had driven the vehicle. There was frequent mobile conversation between A4-Sakthivel and A5-Ravi and A9-Lakshmanan. Ravi-A5 had checked into Ganga Hotel, Tuticorin District and the police have recovered the hotel receipt.

13. From tower location of A5-Ravi-s mobile and that of A4-Sakthivel, A7-Muruganantham and A9-Lakshmanan, the prosecution is able to *prima facie* establish that A4-Sakthivel and A5-Ravi have driven the TATA ACE vehicle from Nagapattinam to Tuticorin. After reaching Tuticorin, the contraband was handed over to A2-Kildan to be transported to Srilanka. A2-Kildan had engaged A1-Venkatachalam @ Venkatesan and A1-Venkatachalam @ Venkatesan had taken the contraband from Mukkanai Roundana to Punnikayal and en-route, the respondent police intercepted and arrested A1 and recovered the contraband. A2-Kildan, A12 Kumaran and A13-Suriya are still absconding. Therefore, I am not in a position to give a finding that A5 Ravi is not guilty of the offences in question. "

5. In view of the specific finding given by me that I am not in a position to give any finding that the petitioner is not guilty of the offence in question, the second bail petition may not be maintainable. Of course, I had given a direction that the mobile phones and sim cards recovered from the accused will have to be sent to forensic science laboratory for analysis. The petitioner's counsel would argue that no follow up action was taken.

6. It is denied by the learned Government Advocate(Crl. Side). It is pointed out by the learned Government Advocate that an application to conduct further investigation under Section 173(8) of Cr.P.C., was filed. After getting permission, the mobile phones and sim cards were sent to the Forensic Science Lab, Chennai for analysis. The learned Government Advocate(Crl. Side) placed before me a communication dated 09.04.2021 sent by the Assistant Superintendent of Police, Tiruchendur to the Deputy Director, Regional Forensic Science Lab, Chennai, requesting to accord top priority to the said matter. The learned Government Advocate(Crl.



Side) states that after receipt of the analysis report from the Forensic Science Lab, Chennai, a supplementary final report will be filed.

7. In any event, in view of the dismissal of the petitioner's earlier criminal original petitions on merits and there being no change in circumstance, I do not find any ground to interfere.

8. This criminal original petition is dismissed.

sd/-
21/04/2021

/ TRUE COPY /

/ /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 INSPECTOR OF POLICE
ATHOOR POLICE STATION, THOOTHUKUDI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI

ORDER
IN
CRL OP(MD) No.5693 of 2021
Date : 21/04/2021

SMA/24/04/2021/3P/4C