



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

Date : 19/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN  
CRL OP(MD). No.6915 of 2021

WEB COPY

M.Mariraj

... Petitioner/Accused No.2

Vs

The State rep by  
The Inspector of Police,  
Cheranmahadevi Police Station,  
Tirunelveli District  
(Crime No.455 of 2020).

... Respondent/Complainant

For Petitioner : Mr.B.Karuppasamy  
Advocate.

For Respondent : Mr.S.Ravi,  
Additional Public Prosecutor

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

PRAYER :-

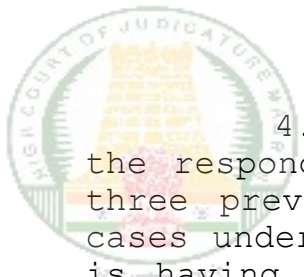
For Anticipatory Bail in Crime No.455 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 8(c), 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.455 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 15.09.2020, when the *de-facto* complainant was conducting usual checkup, at that time, he came to know that the accused persons were having a polythene bag, which contains 1 1/2 Kgs of Kanja. Hence, the respondent police registered a case against the petitioner herein.

3. The learned counsel appearing for the petitioner would submit that totally there are two accused involved in this case. The petitioner herein is the second accused. He would further submit that only from the first accused alone, the above said contraband has been seized and on basis of the confession statement of the first accused, the name of the petitioner has been falsely implicated in this case. He would further submit that the petitioner is not involved in this case and he is only the friend of the first accused. He would further submit that no contraband has been recovered from the petitioner herein and no evidence has been brought on record to show that he is in possession of the alleged contraband. He would further submit that the petitioner was not at all present at the scene of occurrence.



4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner has already three previous cases under Section 307 I.P.C. and three previous cases under Section 302 I.P.C. He would submit that the petitioner is having one previous case of similar nature. He would further submit that for the purpose of granting bail, Section 37 of the NDPS Act must be satisfied by the petitioner.

5. Considering the antecedents of the petitioner and considering the nature of the offences and since the condition under Section 37 of the NDPS Act is not satisfied, this Court is not inclined to grant anticipatory bail to the petitioner.

6. With the above observations, this Criminal Original Petition stands dismissed.

Sd/-  
19/05/2021

/ TRUE COPY /

/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TSG/TM

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,  
CHERANMAHADEVI POLICE STATION,  
TIRUNELVELI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER MADE  
IN  
CRL OP(MD) No.6915 of 2021  
Dated : 19/05/2021

VB VR SAR IV(01/06/2021) 2P / 3c