



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2021

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PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7300 of 2021

1. Sasikumar
2. Jesuraja

... Petitioners/Accused
Nos.1&4

Vs

The State Rep. by
The Inspector of Police,
Chatrapatti Police Station,
Dindigul District.
Crime No.157/2021.

... Respondent/Complainant

For Petitioners : Mr.Sasi Kumar.V., Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

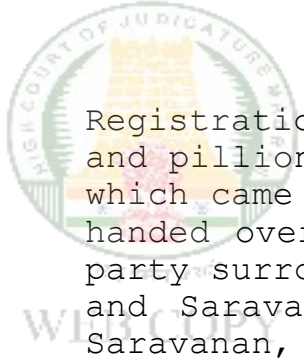
PRAYER :-

For Anticipatory Bail in Crime No. 157 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners/A.1 and A.4 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Cr.No.157 of 2021, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that on 10.05.2021 at about 08.00a.m., the police party, on a prior intimation, was involved in preventing the offences relating to Narcotic Drugs and Psychotropic Substances Act. They found near Virupatchi Kanavaimeedu, a two wheeler bearing Registration No.TN-57-U-4974 and a car bearing Registration No.TN-56-8263 came from East to West. From a mud road on the North of Kanavai thottam, two motorcycles bearing



Registration No.TN-58-U-2084 and MH-02-AN-6699 came with its rider and pillion rider. The persons came in a car and in the two wheeler which came in front of the car, took two white colour gunny bags and handed over to the persons came in other two wheelers. The police party surrounded and tried to nab them. They could nab only Karthick and Saravanan and others escaped. On enquiry from Karthick and Saravanan, they found the name of escaped persons as Sasikumar and Sesuraja. The police informed the accused Karthick and Saravanan about their right to be searched in the presence of Judicial Magistrate or Gazetted Official and on their willingness to be searched by the presence of police, a search was conducted. The police found 25kg of ganja in the bag kept by Karthick. They also found 25kg of ganja in the bag kept by Saravanan. Totally, the police found 50kg of ganja and they seized ganja worth of Rs.2,50,000/-. Therefore, this case was registered against all the four accused.

3. The learned Counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. In support of his case, he relied on a newspaper report dated 11.05.2002 and submitted that a different case is reported in the newspaper. He also submitted that it is alleged that one lorry and one car said to have been seized, but they are not produced before this Court. Therefore, he submitted that the case of the prosecution is not true and the petitioners are falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) appearing for the State submitted that the investigation in this case is not yet completed and he further submitted that there is one previous in Cr.No.685 of 1997 pending against the first accused. He further submitted that this case involved illegal possession and transportation of 50kg of ganja, which is of a commercial quantity. Unless the petitioners satisfy the conditions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, the petitioners are not entitled for anticipatory bail. Therefore he prays for dismissal of this petition.

5. With regard to the reliance of newspaper report by the learned Counsel for the petitioners, this Court is of the considered view that the newspaper report cannot be received as evidence without following proper procedure. Admittedly, this case involves 50kg of ganja of commercial quantity. The case against these petitioners is that along with the co-accused, they possessed 50kg of ganja. On seeing the police, they escaped from the place where the co-accused were arrested. There is a *prima facie* material to prosecute the accused for illegal possession and transportation of commercial quantity of ganja. As rightly pointed out by the learned Government Advocate(Crl.Side), the petitioners have to satisfy that 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. When this stringent condition is made even for grant



of bail, the criteria for anticipatory bail is all the more stringent. The petitioners have not satisfied the twin conditions for granting anticipatory bail. On the other hand, there is a *prima facie* material to prosecute the petitioners for possession and transportation of commercial quantity of ganja.

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6. In view of the above facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
23/06/2021

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

ORDER
IN
CRL OP(MD) No.7300 of 2021
Date :23/06/2021

SSL
TE/AKM/SAR-IV : 28/06/2021 : 3P/3C