



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

Date : 08/06/2021

PRESENT

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

CRL OP(MD) . No.7407 of 2021

Ramakrishnan

... Petitioner/Accused Rank not known

Vs

State represented by
The Inspector of Police,
T.Kallupatti Police Station,
Madurai District
Cr No.149/2021.

... Respondent/Complainant

For Petitioner : Mr.S.M.A.Jinnah,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Counsel (Crl.Side)

For Intevener : Mr.T.Lajapathi Roy,
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.149 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel on either side and Mr.T.Lajapathi Roy, learned counsel for the intervenor.

2.The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(C) and 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.149 of 2021 on the file of the respondent police and seeks anticipatory bail.

3.The petitioner's counsel would point out that the contraband involved in this case is only a small quantity, namely, 1.250 grms., and that therefore, the petitioner may be granted anticipatory bail. He also would state that one Manikandan and Alagumani are said to have been involved in the planting of the contraband.



4.The learned counsel appearing for the intervenor would state that the petitioner, Ramakrishnan was said to have been sexually assaulted a minor girl and hence, a case in Cr.No.10 of 2020 was registered against him on the file of T.Kallupatti Police Station for the offence under Sections 7, 8 and 9(F) of POCSO Act. It is also stated that the said case has been charge sheeted and the trial is pending. It is further alleged that Ramakrishnan tried to win over the complainant in the POCSO Act case and since the complainant's family declined to compromise the matter, Ramakrishnan had procured the contraband and through Manikandan and Alagumani planted the same in the house of Chandran, who is the father of the victim in the POCSO Act case.

5.The learned counsel for the intervenor would state that the petitioner is not entitled to any relief at the hands of this Court because he has attempted to implicate the father of the victim in a case under NDPS Act. He would strongly state that custodial interrogation of the petitioner is required and only thereafter, it can be known as to from whom the contraband was actually sourced.

6.I find considerable merit in the submissions made by the intervenor's counsel. It is a classic case, in which, custodial interrogation is absolutely necessary. The quantity of the contraband cannot sway the mind of this Court. The fact that the petitioner is involved in facing trial in a POCSO Act case cannot be lost sight of. The allegation of the prosecution is that in order to derail the POCSO Act case, the petitioner has attempted to plant a narcotic substance in the house of the father of the victim. These are serious allegations. That apart, investigation is at preliminary stage. This is not a case, in which, the petitioner is entitled to grant of any relief.

7.This Criminal Original Petition is dismissed.

sd/-

08/06/2021

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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.



1. THE INSPECTOR OF POLICE,
T.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to Mr.S.M.A.JINNAH, Advocate SR.No.3895

ORDER

IN

CRL OP(MD) No.7407 of 2021

Date : 08/06/2021

mm

PK/PN/SAR-III/17.06.2021 : 3P/4C