



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.8588 of 2021

Athimoolam @ Selvaraj

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Mandala Manickam Police Station,
Ramanathapuram District.
Crime No.44/2021.

... Respondent/Complainant

For Petitioner : Mr.M.S.Jeyakarthick,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

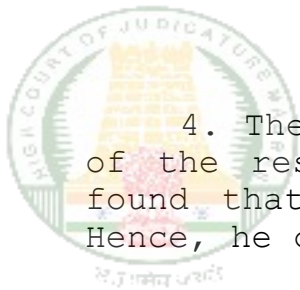
For Bail in Crime No. 44/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is in custody from 18.04.2021, for the offence punishable under Sections 8 (c) & 20 (b) (ii) (B) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.44 of 2021 on the file of the respondent police. He seeks bail.

2. The case of the prosecution is that when the respondent police conducted inspection based on secrete information, they found that the accused was in possession of 3.950 kg of Ganja. Hence, this case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the cases, registered against him are false and he is in custody from 18.04.2021 and hence, he prayed for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing on behalf of the respondent police would submit that the respondent police found that the accused was in possession of 3.950 kg of Ganja. Hence, he opposed to grant of anticipatory bail to the petitioner.

5. Heard both sides.

6. It is seen that the earlier bail petition was filed by the petitioner, was dismissed on 19.05.2021, on the ground that the petitioner is a Habitual Offender having 16 previous cases of house breaking theft and selling Ganja. So, considering the antecedents of the petitioner, it came to be dismissed.

7. This second bail petition is filed on the ground that the petitioner has been falsely implicated in this case and the cases registered against him are false. On the earlier occasion, a wrong representation has been made by the Police to the effect that the petitioner is involved in similar cases.

8. But the learned counsel for the petitioner would submit that no such previous cases, are pending against him.

9. The learned Additional Public Prosecutor circulated the format, showing criminal cases pending against the petitioner. It is seen that 16 cases are pending against him and most of the cases are theft cases.

10. The learned counsel for the petitioner would submit that false cases have been foisted upon the petitioner by the Mandala Manickam Police Station, in Crime Nos. 5, 7 to 12 of 2015, 27 of 2021 and 43 of 2021, continuously. So, according to him, the above said cases, filed against him are false in nature. I am unable to agree with the contention on the part of the petitioner, to consider this petition, on this ground. The petitioner is a Habitual Offender and now, he has also involved in NDPS offence. If he is released on bail, every likelihood of absconding and hampering the trial process, cannot be ruled out. So, the petitioner is not entitled for bail at this stage.

11. In the facts and circumstance of the case, I find, no change of circumstance and so, this Court is not inclined to grant bail to the petitioner.

12. In the result, this Criminal Original Petition is dismissed.

sd/-

05/07/2021

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/ /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,
MANDALA MANICKAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
3. THE OFFICER INCHARGE,
DISTRICT JAIL,
RAMANATHAPURAM.

ORDER

IN

CRL OP (MD) No.8588 of 2021

Date :05/07/2021

DSS

TE/MNR/SAR-V : 07/07/2021 : 3P/4C