



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

Date : 21/06/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8048 of 2021

1.Rajesh Kumar

2.Abish @ Abish Kumar

... Petitioners/Accused A2 & A3

Vs

The Inspector of Police,
Marthandam Police Station,
Kaniyakumari District.

Crime No.459/2021.

... Respondent/Complainant

For Petitioners : Mr.N.Jeyaram Sidharth,
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.459 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/accused nos.2 and 3, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 8(C) and 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.459 of 2021 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side).

3.The case of the prosecution is that on 13.06.2021, at about 07.00 hours, when the respondent police engaged in prevention of the offences relating to the illegal possession and transportation of Narcotic Drugs and Psychotropic Substances near Kuruvizhaikaadu Panchayat Water Tank, they found three persons with plastic bag. On seeing the police party, two persons escaped and one was caught, who was the first accused in this case. The names of the escaped persons are Rajesh Kumar and Abish, who are the petitioners herein. After completing the mandatory procedures, the respondent police found the petitioner possessed 1.5 kgs of Ganja. Therefore, the respondent



police seized the contraband and registered a case against all the accused.

4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and he has been falsely implicated in this case. Therefore, he seeks anticipatory bail.

5.The learned Government Advocate (Crl.Side) appearing for the respondent opposes this petition on the ground that the investigation is in preliminary stage and the first petitioner has three previous cases, out of which, one case was registered under the NDPS Act and the second petitioner has six previous cases registered under IPC cases, the details of which are as follows:

"Cases against the first petitioner:

1.Crime No.81 of 2019 - Sections 20(b) (ii) (B), 25 and 8(c) of the NDPS Act.

2.Crime No.438 of 2019 - Sections 147, 148, 294(b), 324, 379 and 506(ii) of IPC @ 147, 148, 294(b), 307, 323, 324, 326, 341 and 506(ii) of IPC

3.Crime No.760 of 2020 - Sections 147, 294 (b), 307, 324, 506(ii) of IPC @ 148, 149, 294 (b), 307, 326, 506(ii) of IPC.

Cases against the second petitioner:

1.Crime No.438 of 2019 - Sections 147, 148, 294(b), 324, 379 and 506(ii) of IPC @ 147, 148, 294(b), 307, 323, 324, 326, 341 and 506(ii) of IPC

2.Crime No.760 of 2021 - Sections 147, 294 (b), 307, 324, 506(ii) of IPC @ 148, 149, 294 (b), 307, 326, 506(ii) of IPC.

3.Crime No.119 of 2021 - Sections 294 (b), 323, 324 and 506(ii) of IPC

4.Crime No.397 of 2018 - Sections 147, 294(b), 323, 365, 379, 506(i) of IPC @ 147, 294 (b), 323, 365, 506(ii) of IPC.

5.Crime No.328 of 2019 - Sections 294(b), 323, 324, 341 and 506(ii) of IPC.

6.Crime No.672 of 2020 - Sections 147, 294(b),



427, 448, 506(ii) of IPC and Section 4 of TNPWH
Act.”

6. Considering the facts and circumstances of the case, the fact that the first petitioner has three previous cases and the second petitioner has six previous cases and the fact that the investigation is in preliminary stage, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
21/06/2021

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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,
Marthandam Police Station,
Kaniyakumari District.
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.8048 of 2021
Date : 21/06/2021

SM
AE/PN/SAR-III/29.06.2021/3P/3C