



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8852 of 2021

V.Sivapandi

... Petitioner/Accused No.3

Vs

State rep by
The Inspector of Police,
Velipalayam Police Station,
Nagapattinam District
Cr No. 781 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Kumaravel.K,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime NO.781 of 2021 on the file of the
respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
8(c) and 20(b)(ii)(B) of NDPS Act 1985, in Crime No.781 of 2021,
seeks anticipatory bail.

2. The case of the prosecution is that on 24.06.2021 at about
15.45 hours, the Police found the accused near Vellipalayam. On
seeing the police, the accused had escaped from that place.
Thereafter, the police party tried to nab them. But, they could nab
only Chinthamani and Veeraiyan and one accused escaped. On enquiring
Chinthamani and Veeraiyan, they found the name of escaped person as
Sivanpandi. The police informed the accused namely Chinthamani and
Veeraiyan about their right to be searched in the presence of
Judicial Magistrate or Gazetted Official. On their willingness to be
searched by the Police, a search was conducted and they was found in
illegal possession of 8 KG 200 gram of Ganja. Therefore, the case
came to be registered.



3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is the son of the accused No.1 and 2.

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4. The learned Government Advocate (Crl. Side) appearing for the State submitted that the investigation in this case is not yet completed and the petitioner has two similar cases in NDPS Act. He further submitted that this is the case of illegal possession of intermediate quantity of 8 Kg 200 gm of Ganja. Therefore he prays for dismissal of this petition.

5. Taking into consideration the facts and circumstances of the case and also the fact that the accused escaped from the scene on seeing the police and the fact that his parents were found in possession of Ganja and the fact that he has two previous cases, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
12/07/2021

/ TRUE COPY /

/ /2021

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

ssb

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

ORDER
IN
CRL OP (MD) No.8852 of 2021
Date : 12/07/2021