



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9566 of 2021

Mahesh ... Petitioner/Accused No.2

Vs

The State represented by
the Sub Inspector of Police,
Uthapanaickanur Police Station,
Madurai District.
Crime No.5 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Selvakumar,
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.5 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w. 20(b) (ii) (B) of NDPS Act in Crime No.5 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 05.01.2021, the respondent police got secret information with regard to illegal transportation of ganja. After obtaining necessary permission from the superior, he proceeded to the spot along with the police officials and while watching near Kurumbankovil, at about 17.15 hours, he found a woman, aged about 50 years. On seeing the police, the woman tried to escape and thereafter, she was apprehended and she informed that her name is Tamilarasi. The respondent police informed her right to be searched in the presence of Judicial Magistrate or Gazetted Officer and on her willingness, the respondent police conducted search and found 4 kgs. of ganja in the white sack possessed by her. Therefore, this case has been registered against both the accused.



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and there is no recovery of ganja from him and he was implicated only on the basis of the confession statement of the co-accused. Therefore, he seeks anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal side) appearing for the respondent opposed this petition on the ground that the investigation is not completed. Moreover, he has submitted that the petitioner has similar case pending against him in Crime No.380 of 2020 for the offence under Section 8(c) r/w. 20(b) of the NDPS Act.

5. This is a case of illegal possession of ganja and the said ganja was not recovered from the petitioner and he was implicated on the basis of the confession statement of the co-accused. Even if there is no recovery and the petitioner was implicated on the basis of the confession statement of the co-accused, he can be prosecuted, if the prosecution is able to prove the case against him by corroborative and other material evidence. The petitioner has similar case pending against him. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

sd/-

27/07/2021

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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 SUB - INSPECTOR OF POLICE
UTHAPANAICKANUR POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.9566 of 2021

Date :27/07/2021

SS/VR/SAR-II/02.08.2021 : 2P/3C

<https://hcservices.ecourts.gov.in/hcservices/>