



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.10.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.12674 of 2021

1.Sasikumar

2.Jesuraja

... Petitioners/Accused No. 1 & 4

Vs

State Rep by,
The Inspector of Police,
Chatrapatti Police Station,
Dindigul.

(Crime No. 157/2021)

... Respondent/Complainant

For Petitioners : Mr.S.Sarvagan Prabhu, Advocate

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.157 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 8(c), 20(b)(ii)(c) of NDPS Act, in Crime No.157 of 2021, seek anticipatory bail.

2.The prosecution case is that the petitioners and other accused were found in illegal possession of 50 kgs of Ganja. Hence, the complaint.

3.Learned Counsel appearing for the petitioners submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have been roped-in as accused based on the confession statement of the co-accused and that the petitioners are ready to co-operate for the investigation.



4.Learned Additional Public Prosecutor, on the other hand, submitted that the petitioners are having specific role in the commission of offence and that the investigation is at the crucial stage.

5.Since the investigating agency has not collected any materials other than the confession statement against the petitioners and taking into account the submission made by the petitioners' Counsel, this Court, by order dated 24.09.2021, has granted interim anticipatory bail to the petitioners and directed them to appear before the respondent police and co-operate for the enquiry.

6.Today, the learned Additional Public Prosecutor, on instructions, submitted that the petitioners appeared before the respondent police and co-operated for the enquiry. During the course of enquiry, the petitioners have claimed that they are at their respective residences at the time of the alleged occurrence, whereas, their mobile phone tower locations speak otherwise.

7.Learned Additional Public Prosecutor further submitted that the investigation so far conducted revealed that the petitioners were in the spot on 09.05.2021. The occurrence took place on 10.05.2021. On the said date, both of them switched-off their mobile phones. On 06.05.2021, A2, who was arrested on the spot along with contraband, transferred a sum of Rs.1,00,000/- to the first petitioner / A1. The second petitioner / A4 is a close associate of the first petitioner / A1. Apart from this case, the first petitioner / A1 is having seven previous cases, of which, in a case registered under Section 302 IPC, he was convicted for life imprisonment.

8.Considering the *prima facie* materials available as against the petitioners, their antecedents, coupled with the quantity of the contraband involved and the provisions under Section 37 of the NDPS Act, this Court is not inclined to grant anticipatory bail to the petitioners.

Accordingly, this criminal original petition stands dismissed.

sd/-
27/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



gk

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,
CHATRAPATTI POLICE STATION,
DINDIGUL DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12674 of 2021
Date :27/10/2021

PKP/PN/SAR-1/08.11.2021/3P/3C