



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.10.2021

PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

**CRL OP (MD) No.13359 of 2021**

Ajithkumar

... Petitioner/Accused No.6

Vs

State rep.by  
The Inspector of Police,  
Mudukulathur Police Station,  
Mudukulathur,  
Ramanathapuram District.  
(Crime No.613/2020)

... Respondent/Complainant

For Petitioner : M/s.PR.Boomee Rajan, Advocate

For Respondent : M/s.T.Senthilkumar,  
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.613 of 2020 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 offence punishable under Sections 8(c) r/w 20(b)(ii)(c), 29(1) and 25 of NDPS Act and Section 20 of Arms Act, in Crime No.613 of 2020, seeks anticipatory bail.

2.The prosecution case is that the petitioner and other accused were found in illegal possession of 23.500 kgs of Ganja. Hence, the complaint.

3.Learned Counsel appearing for the petitioner submitted that the petitioner is an innocent and has not committed any offence as



alleged by the prosecution. He further submitted that the petitioner has been roped-in as an accused based on the confession statement of the co-accused and that the petitioner is ready to co-operate for the investigation.

4. Learned Additional Public Prosecutor, on the other hand, submitted that the petitioner is 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 petitioner and taking into account the submission made by the petitioner's Counsel, this Court, by order dated 24.09.2021, has granted interim anticipatory bail to the petitioner and directed him to appear before the respondent police and co-operate for the enquiry.

6. Today, the learned Additional Public Prosecutor, on instructions, submitted that the petitioner neither appeared before the respondent police nor co-operated for the enquiry. Though one more opportunity was provided to him by this Court, the petitioner did not turn up for the enquiry.

7. In view of the conduct of the petitioner in obtaining an interim order of protection by submitting that he would co-operate for the investigation and thereafter, not complying with the same, this Court is not inclined to entertain this application. Accordingly, this criminal original petition stands dismissed.

Sd/-  
27/10/2021

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/ /2021  
Sub-Assistant Registrar (C.S.IV)  
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,  
Mudukulathur Police Station,  
Mudukulathur,  
Ramanathapuram District.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

ORDER  
IN  
CRL OP (MD) No.13359 of 2021  
Date : 27/10/2021

SP/VR/SAR IV/08/11/2021/3P/3C