



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

Date : 08/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) No.14320 of 2021

1.Sivamani

2.Saravanakumar @ Valaipazham Saravanakumar

... Petitioners/2nd & 7th Accused

Vs

The State Rep.by
The Inspector of Police,
Thallkulam Police Station,
Madurai.

[Crime No.2435 of 2020]

... Respondent/Complainant

For Petitioner : M/s.S.Poornachandran, Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.2435 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested in connection with Crime No.2435 of 2020 on the file of the respondent Police for the offence under Sections 8(c) r/w 20(b)(ii)(C), 29(1), 25 of NDPS Act and Section 8 of Juvenile Justice (Care and Protection) Act, 2000 and remanded into judicial custody, moved this bail application for grant of bail.

2.The case of the prosecution is that based on the secret information the respondent police went to the place of occurrence, which is nearby a public toilet at Annanagar Chinnachokkikulam Madurai at 03.15pm, where they found the accused segregating the contraband into handbags from white gunny bags. On seeing the police, the accused attempted to escape. However, accused No.1 was



arrested and these petitioners/accused Nos.2 and 7 have escaped from the place of occurrence.

3.The learned Counsel for the petitioners submits that these petitioners were not at all present in the place of occurrence, however, they have been implicated only based on the confession statement. According to him there is no other material than the confession statement as against the petitioners. He further submits that there is no independent witness in this case. Moreover, investigation in this case has been completed and final report is also filed.

4.The learned Additional Public Prosecutor submits that these accused were also present at the place of occurrence and they were found in possession of 25 Kgs of ganja with other accused and these petitioners A2 and A7 fled from the place of occurrence. He would further submit that apart from this case, A2 is having two other cases in (i) Crime No.907 of 2019 on the file of the Tallakulam Police Station, for the offence under Sections 147, 148, 307 and 302 IPC and (ii) Crime No.1388 of 2020 on the file of the Koodalpudur Police Station registered for the offence under Sections 8(c) r/w 20 (C)(ii)(b) NDPS Act and A7 is having three other cases in Crime No.1380 of 2019 registered for the offence under Sections 341, 387, 506(ii) r/w 34 IPC, (iii) Crime No.2293 of 2016 under Section 75 of TNCP Act and (iii) Crime No.1010 of 2014 under Section 75 of TNCP Act, on the file of the Tallakulam Police Station.

5.He would further submit that these petitioners along with other accused purchased ganja in huge quantity from Dindigul and Usilampatti areas. He also placed reliance on the decision of the Hon'ble Supreme Court in **Sudha Singh Vs State of UP (2021 SAR (Cri) 724)**.

6.Considering the quantity of the contraband involved in this case, seriousness of the offences and the antecedents of the petitioners, this Court is not inclined to grant bail to the petitioners.

7.In the result, this criminal original petition is dismissed.

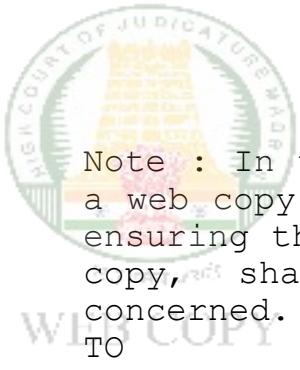
Sd/-

08/10/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.III)
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
THALLAKULAM POLICE STATION,
MADURAI.
- 2 THE SUPEINTENDENT ,
CENTRAL PRISON,
MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.14320 of 2021

Date :08/10/2021

SP/SKN/SAR III/27/10/2021/3P/4C