



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01/11/2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN
Crl.O.P. (MD) No.15995 of 2021

WEB COPY

Kasthuriyappa,
S/o.Ponnaian, Rc Street, Anthonyar
Colony, Kaliyakavilai Post, Kanyakumari
District..

... Petitioner/Accused

Vs

The Inspector of Police,
Kaliyakavilai Police Station,
Kanyakumari District.
Crime No.154 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Vairam Santhosh.G.V
For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

PRAYER :To enlarge the Bail Petition in the event of his arrest in respect of Crime No.154 of 2021 on the file of the Respondent Police.

O R D E R

This is third anticipatory bail petition.

2. The learned counsel for the petitioner would submit that earlier petition was dismissed on the ground that contraband involved in the occurrence is of the commercial quantity and so he is not entitled for anticipatory bail in view of Section 37 of NDPS Act. However, this argument is not correct on record since only the first petition in Crl.O.P.No.6844 of 2021 has been dismissed, on the above said ground. The second petition has been filed and during that time, an argument has been advanced to the effect that it is not commercial quantity but it is intermediate quantity. After hearing the learned counsel on record and on going through the records, the argument that it is not a commercial quantity was accepted. But considering the facts and circumstances and the fact that the petitioner ran away from the place of occurrence, that petition in Crl.O.P.No.8440 of 2021 was dismissed.

3. The very same contention has been raised in the present petition also. Since already the observation has been recorded by

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



this Court to the effect that the petitioner is not entitled for anticipatory bail, in the absence of any change of circumstances this petition cannot be entertained. Repeated filing of petition on the very same ground cannot be entertained and this petition deserves dismissal and the same is dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

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. Judicial Magistrate No.1, Kuzhithurai.
2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District.
3. The Inspector of Police,
Kaliyakavilai Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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01.11.2021

SJ(CO)

KB(26.11.2021) 2P 5C