



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 25/10/2021

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PRESENT

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

**CRL OP (MD) . No.15765 of 2021**

K.Ramasamy

... Petitioner/Petitioner/  
Accused No.5

Vs

State rep.by  
The Inspector of Police,  
Chathirapatti Police Station,  
Dindigul District.  
(Crime No.157 of 2021)

... Respondent/Complainant

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

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

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

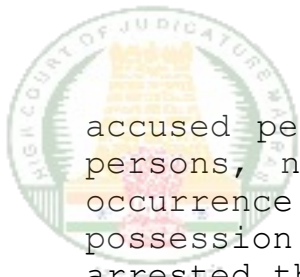
PRAYER :-

For Bail in Crime No.157 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested on 26.05.2021, for the offence punishable under Section 8(c) r/w. 20(b)(ii)(c) of NDPS Act @ 8(c) r/w. 20(b)(ii)(c), 25, 29(1) of NDPS Act, in Crime No. 157 of 2021, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 10.05.2021, at about 8.00 a.m., when the police, on a secret information, rounded Virupatchikannavaimeedu on Dindigul-Palani Road, two persons came in a two wheeler bearing Reg.No.TN57U 4974 and a Car bearing Reg.No.TN56A 8263 came from East-West and the persons, who came in the Car and in the two-wheeler, exchanged white colour gunny bags. At that time, the police party surrounded them and arrested two



accused persons, namely, Karthick and Saravanan. But, two accused persons, namely, Sasikumar and Sesuraja escaped from the scene of occurrence. On search, they found that the accused persons were in possession of 25 kgs. of ganja. Subsequently, the respondent Police arrested the escaped accused persons. Hence, the case.

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3. The learned counsel for the petitioner submits that the petitioner has been roped in as an accused only based on the confession statement of the other accused and no contraband has been recovered from the petitioner. Except the confession statement of the co-accused, there are no other materials against the petitioner. He further submits that this is the second bail petition. The earlier bail petition was dismissed by this Court vide order dated 01.07.2021 in CrI.O.P.(MD)No.8665 of 2021. Now, the investigation was also completed in this case. Since the petitioner has been languishing in jail from 26.05.2021, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor opposed for grant of bail on the ground that the contraband has been recovered from a Tavera Car bearing Reg.No.TN56A 8263 and the said car stands in the name of the petitioner's wife. He further submits that the petitioner went to Andhra Pradesh to procure ganja. Considering the quantity of contraband, the case has been transferred to NIBCID on 25.09.2021.

5. Considering the fact that the case has been transferred to NIBCID only on 25.09.2021 and also the fact that the contraband has been recovered from the Car, which belongs to the petitioner's wife and since there is no change in circumstances after the dismissal of earlier petition, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is dismissed.

Sd/-  
25/10/2021

/ TRUE COPY /

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

OGY

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,  
CHATHIRAPATTI POLICE STATION,  
DINDIGUL DISTRICT.
2. THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.KARTHIK.S. Advocate SR.No.7392

ORDER

IN

CRL OP (MD) No.15765 of 2021

Date :25/10/2021

SP/TR/SAR I/11/11/2021/3P/5C