



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

Date : 11.11.2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.17222 of 2021

WEB COPY

Karthick @ Sullan Karthick ... Petitioners/Accused No.A13

Vs

The State Rep.by

The Inspector of Police,

Koodalpudur Police Station,

Madurai.

(Crime No.1388 of 2020) ... Respondent/Complainant

For Petitioner : Mr.V.Chandrapandi

Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,

Additional Public Prosecutor

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

PRAYER :-

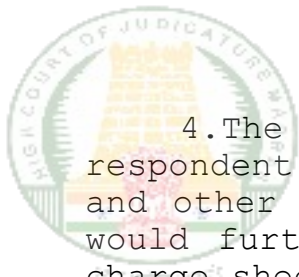
For Bail in Crime No.1388 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A13, who was arrested and remanded to judicial custody on 08.11.2020 for the offences punishable under Sections 8(c), 20(b)(ii)(c) and 29(1) of NDPS Act in Crime No.1388 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that 05.09.2020, when the respondent police on their regular patrol at Anaiyur, near Imayam Nagar, A1 to A3 were found along with a white gunny bag and more than 15 persons. On seeing the police, the petitioner and other accused ran away. Police nabbed A1 to A3 and seized 22 kgs of Kanja from them. Based on the confession statement of the first accused, the present case came to be registered against the petitioner and others.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 08.11.2020. Hence, he seeks bail.



4.The learned Additional Public Prosecutor appearing for the respondent opposed this petition on the ground that the petitioner and other accused were in illegal possession of 22kgs of ganja. He would further submit that the investigation was completed and the charge sheet has already been laid and the case was taken on file in C.C.No.120 of 2021 on the file of the II Additional District Judge for NDPS Cases, Madurai. He would submit that A5 and A6 were absconding and Non-Bailable Warrants were also pending against them.

5.It is the specific case of the prosecution that all the accused have invested money and procured the contraband and at that time, the petitioner was present in the scene of occurrence and A1 to A3 were arrested and the remaining accused including the petitioner ran away from that place.

6.It is also not in dispute that the investigation was completed and the charge sheet has already been laid and the case was taken on file in C.C.No.120 of 2021. Since A5 and A6 were absconding and Non-Bailable Warrants were pending against them, the respondent police is directed to execute the warrant pending against A5 and A6 and/or take necessary steps to split up the case as against A5 and A6.

7.Considering the nature and seriousness of the offence alleged against the petitioner, this Court is not inclined to grant bail to the petitioner at this point of time. Since all the accused except the accused 5 and 6 are in judicial custody, after execution of warrant or after split up the case as against A5 and A6, the concerned learned Trial Judge shall proceed with the trial and dispose of the case as expeditiously as possible.

8.Accordingly, this Criminal Original Petition is dismissed.

sd/-

11/11/2021

/ TRUE COPY /

/ /2021

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

SJI

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 II Additional District Judge for NDPS Cases,
Madurai.

2.The Inspector of Police,
Koodalpudur Police Station,
Madurai.

3. The Superintendent, Central Prison, Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.17222 of 2021

Date :11/11/2021

RD/CN/SAR-II (19.11.2021) 3P 5C