



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

Date : 08/12/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.19372 of 2021

Venkatachalam @ Venkatesan

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Athoor Police Station,
Thoothukudi District.
Crime No.137 of 2019.

... Respondent/Complainant

For Petitioner : M/s.J.Jeya Aron Raja,
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.137 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is arrayed as accused No.1. He was arrested and remanded to Judicial Custody on 21.08.2019 for the offences punishable under sections 8(c) r/w 20(b) (ii)(C), 29(1), 25 of NDPS Act, in Crime No.137 of 2019 on the file of the respondent police. He seeks bail.

3. The petitioner's earlier petition was dismissed by me on 31.08.2020. Contending that many of the co-accused were granted bail by me, this Criminal Original Petition has been filed. The question is whether the grant of bail in favour of the co-accused will constitute a change in circumstance. In my view, it cannot be so. This is because, in the earlier order dated 31.08.2020, I had held as follows:-

10.As regards Al-Venkatachalam @ Venkatesan, it is impossible for this Court to give any finding in his

favor at this stage. Al-Venkatachalam @ Venkatesan has



to necessarily establish his innocence only in the trial. This is because, the entire contraband was recovered from the vehicle driven by him. The arrest of A1-Venkatachalam @ Venkatesan and the recovery of his mobile phone has pointed to the involvement of Kildan-A2 and few other key persons. A1-Venkatachalam @ Venkatesan miserably fails to pass the first test laid down in Section 37 of the NDPS Act.

4. Since there is no change in circumstance and there cannot be any change in circumstance, this Criminal Original Petition stands dismissed. The trial Court is directed to conclude the case on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

sd/-
08/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
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 PRINCIPAL SPECIAL JUDGE FOR
EC AND NDPS ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
ATHOOR POLICE STATION,
THOOTHUKUDI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/s. J. JEYA ARON RAJA, Advocate (SR-9071[I] dated 10/12/2021)

ORDER IN
CRL OP(MD) No.19372 of 2021
Date : 08/12/2021

RMI

<https://hmcsls.gov.in/ncs-services/MS/CA/69A/2021/2P.7C>