



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/11/2021

PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18481 of 2021

WEB COPY

GANESH BABU @ GANESH

... PETITIONER/ACCUSED NO.1

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO. 96 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.Aravind Raj, Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 96 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(C), 27 A and NDPS Act, in Crime No.96 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 28.01.2021 at about 22.00 hours., the police party, on a prior intimation, was involved in preventing the offences relating to Narcotic Drugs and Psychotropic Substances Act near Meenakshi Hotel opposite to Madurai to Rameshvaram high way. They got information that Ganja is being illegally transported by a car bearing Registration No.TN64-8643. When the said car came near Kamudakudi Meenakshi Hotel, on seeking the police party, the car driver stopped the car and one person escaped from there. The police party smelt the Ganja. The police informed the accused about their right to be searched in the presence of Judicial Magistrate or Gazetted Official and on their willingness to be searched by the police party, a search was conducted. The police found 90 kgs of ganja in four gunny bags. On enquiry from Periakaruppan, they came to know that the petitioner along with the other accused namely Pandi were procuring the Ganja and selling to various places. Hence the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in



4.It is not in dispute that this Court in Crl.OP(MD)No.3733 of 2021 dated 01.07.2021, dismissed the anticipatory bail petition of the petitioner.

5.The learned counsel for the petitioner would submit that subsequent to the dismissal order, A4 and A5 were released on bail and that is the change in circumstances, on the basis of which, the above petition came to be filed.

6.The learned Additional Public Prosecutor appearing for the respondent would submit that A4 was arrested on 30.01.2021 and he was ordered to be detained as Goondas and that A5 was arrested on 29.01.2021 and released on 07.08.2021 and that the petitioner is having 6 previous cases, which includes one case for similar offence.

7.Considering the facts and circumstances of the case and also the facts that the investigation is not yet completed, that the petitioner is having 6 previous cases and that there is no change in circumstances, since the dismissal of the earlier petition, this Court is not inclined to grant anticipatory bail the petitioner at this point of time.

8.Accordingly, the Criminal Original Petition is dismissed.

sd/-
25/11/2021

/ 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 INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.18481 of 2021
Date :25/11/2021