



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 17/12/2021

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) Nos.18376 and 18377 of 2021

Gowthaman @ Nari Gowtham ... Petitioner/Sole Accused
(in Crl.OP (MD) No.18376/21)

Gowthaman @ Nari Gowtham ... Petitioner/Accused No.2
(in Crl.OP (MD) No.18377/21)

Vs.

The State Rep. by,
The Inspector of Police,
Vengamedu Police Station,
Karur District.
(Crime No. 425 /21)
(Crime No. 188/21)

... Respondent/Complainant
(in both cases)

For Petitioner : Mr.B.Santhanam Rajesh Kumar, Advocate

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

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

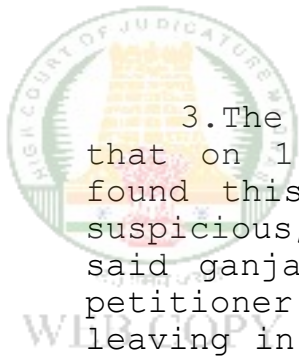
PRAYER :-

For Anticipatory Bail in Crime Nos.452 and 188 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioner, who is the sole accused in Crl.OP(MD)No.18376 of 2021 and A2 in respect of Crl.OP(MD)No.18377 of 2021 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, in respect of Crime Nos.425 and 188 of 2021 on the file of the respondent police and hence, seeks anticipatory bail.

2.The petitioner in both cases is facing the charge for the offence under section 8(c) r/w 20(b)(ii)(B) of NDPS Act in respect of Crime Nos.425 and 188 of 2021, respectively.



3.The case of the prosecution in Crl.OP(MD)No.18376 of 2021 is that on 16/06/2021 during routine patrol, the de-facto complaint found this petitioner in possession of 1.200 kgs of ganja. When suspicious, he intercepted the petitioner, on inspection the above said ganja has been found out. On seeing the police party, the petitioner alleged to have fled away from the place of occurrence by leaving in a two wheeler and after the above said escape, the above said vehicle has been inspected.

4.As per the prosecution in respect of Crl.OP(MD)No.18377 of 2021, on 06/05/2021 on a routine patrol, the police party found three persons in suspicious circumstances and when they stopped this petitioner, other two persons escaped from that place and on interception, 1.100 kgs of ganja was found. Based on which, the above said case has been registered.

5.Now the case of the petitioner is that the petitioner is not at all involved in the above said occurrences and they are foisted cases. During the routine check up, the petitioner was asked to show the relevant documents in respect of the vehicle. When that was shown, some wordy quarrel arose between the police party and the petitioner and he was severally assaulted and only to escape from the above said assault incident, these cases have been foisted.

6.The entire CD file has been called for and perused. Counter has also been filed.

7.Perusal of the CD file shows that no materials have been collected and statement of the witnesses recorded. Only the antecedent history of the petitioner has been produced by the respondent police, wherein we find that this petitioner is involved in 399 IPC offence, in respect of Crime No.586 of 2019. Now it is under investigation. So it appears that this petitioner is involved in previous case of 399 IPC.

8.The records with regard to the above said occurrence is not available. Whether it is false case or it is a case of assault by the police is a matter for investigation.

9.It is further seen that the petitioner is involved in Crime No.286 of 2019 for the very same similar offence, apart from Crime No.58 of 2018 for the offences under Sections 387 and 506(ii) IPC. So it appears that the petitioner is involved in previous case not only similar in nature, but also robbery and criminal intimidation case also.

10.The antecedents of the petitioner disentitled the claim of the discretionary of anticipatory bail and it is not a fittest case to release the petitioner on anticipatory bail. If he is released on anticipatory bail, there is every likelihood to him in indulging in



the relief of anticipatory bail.

11. Accordingly, these petitions are dismissed.

sd/-
17/12/2021

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

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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,
VENGAMEDU POLICE STATION, KARUR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) Nos.18376 &
18377 of 2021
Date :17/12/2021

PKP/JM/SAR-1/19.01.2022/3P/3C