



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 23/12/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN
Crl.OP(MD)No.20147 of 2021

WEB COPY

D.Baburaj @ Dinkal

... Petitioners/ACCUSED NO.2

Vs.

State rep.by
The Inspector of Police,
Keeradurai Police Station,
Madurai City,
Madurai District.
(Crime No.97 of 2021)

... Respondent/Complainant

For Petitioners : Mr.B.Santhanam, Advocate

For Respondent : Mr.R.Meenakshisundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.97 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who has arrayed as A2 was arrested on 05/02/2021 and remanded to judicial for the alleged offences punishable under section 8(c), 20(b)(ii)(C) and Section 29(1) of NDPS Act, 1985 in Crime No.97 of 2021 on the file of the respondent police, seeks bail.

2.As per the prosecution case, on 04/02/2021, on a secret information, the police team went to the place of occurrence and on their inspection, two persons were found in possession of the contraband weighing about 30 kgs. They were arrested in the place of occurrence itself and a case has been registered and further proceedings have been initiated as per law.

3.According to the contents of FIR, this petitioner was found in possession of the above said contraband in the place of occurrence itself. The bail application that has been filed before the concerned trial court came to be dismissed.



4.Now the learned counsel appearing for the petitioner would submit that final report has also been filed before the concerned court and it was also taken cognizance in CC No.324 of 2021. So according to him, there is no question of tampering of the evidence arise.

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5.Now the only point that has to be decided is that whether the petitioner has complied the twin conditions that has been mentioned in Section 37 of the NDPS Act or not. Except stating that the final report has been filed before the concerned court and it is totally a false case, no other material is placed to satisfy the requirement of Section 37 of the Act which has brought on record. When the co-accused filed Crl.OP(MD)No.9519 of 2021, while dismissing the above said bail application, an direction was issued to the trial to expedite the trial process by securing the co-accused and if necessary by splitting up the case against the accused persons was also ordered.

6.When there is a specific direction by this court to expedite the trial, the possession of the above said contraband which is a commercial quantity, even though he is in custody ever since from the date of arrest, this court is not inclined to enlarge bail to the petitioner. If the petitioner is released on bail, there is every a likelihood of committing the same offence. The bail application that has been filed by the petitioner before the trial court came to be dismissed on 29/09/2021 in Cr.MP No.1759 of 2021 stating the very same reason that the petitioner has not been complied and satisfied the condition in section 37 of the NDPS Act.

7.So, I find absolutely no reason to differ from the above said observation. Accordingly, this petition is liable to be dismissed.

8.In the result, this petition is **dismissed**.

sd/-

23/12/2021

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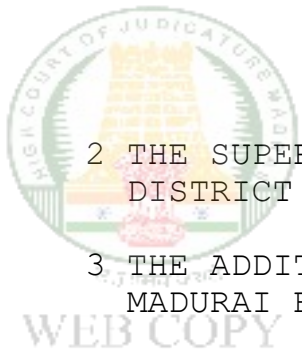
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

<https://hcservicereportsupra/hcservicereportsupra/> POLICE STATION, MADURAI DISTRICT



2 THE SUPERINTENDENT,
DISTRICT CENTRAL PRISON, MADURAI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.20147 of 2021

Date :23/12/2021

SS/PN/SAR-IV/29.12.2021 : 3P/4C