



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL ORIGINAL PETITION No.10631 of 2022

GOKULBALAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY ITS
THE INSPECTOR OF POLICE
CHIDAMBARAM TOWN POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO.347 OF 2022.

[RESPONDENT]

For Petitioner : M/S.MONESH KUMAR H Advocate

For Respondent : M/S.G.V.KASTHURI, Additional public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 28.03.2022 for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.347 of 2022 on the file of the respondent/police, seeks bail.

2. The case of the prosecution as per the de facto complainant is that based on the information, on 28.03.2022 at about 7.00 hours the respondent/police went to near Pettai Balamugambikai Temple, at that time the petitioner along with other accused were found in possession of 1 kg 100 gms of ganga.

3.The learned counsel for the petitioner would submit that totally five accused are involved in this case. At the time of occurrence, the petitioner/A4 is standing near that place, he is nothing to do with the alleged offence and that no contraband is seized from the petitioner and a false case has been foisted against the petitioner. He would further submit that there is no previous case



against the petitioner and that the co-accused have already been released on bail. He would further submit that the petitioner is suffering from incarceration for more than 35 days and hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that totally five accused are involved in this case. On the date of occurrence, the petitioner along with other accused A1 to A4 were selling ganja to other persons in a two wheeler and they found in possession of 1 kg and 100 gms of ganja. Thereafter, the respondent/police arrested the accused persons and seized the vehicle. On enquiry, A1 to A4 have stated that one Absar/A5 brought ganja from Trichy and he gave the same to A1 to A4. However, A5 is still absconding. She would further submit that investigation is pending and charge sheet is yet to be filed and at this stage, if the petitioner is released on bail, he will tamper the witnesses or hamper the material evidence, hence, she objects to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the counsel on either side and also considering the fact that smuggling of ganja and other prohibited goods are endangerous to the youngsters in this country and in order to safeguard the younger generation, this Court is not inclined to entertain this nature of offence. Hence, this Court is not inclined to grant bail to the petitioner.

Accordingly, this Criminal Original Petition is dismissed.

-sd/-
06/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE
CHIDAMBARAM TOWN POLICE STATION,
CUDDALORE DISTRICT.



2 THE SUPERINTENDENT,
CENTRAL JAIL, CUDDALORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.MONESH KUMAR H Advocate on payment of necessary
charges

CRL OP.10631/2022

Date :06/05/2022

JPA 13/05/2022