



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.10703 of 2022

SARAVANAN

[ PETITIONER / ACCUSED ]

Vs

THE STATE REP.BY ITS  
THE INSPECTOR OF POLICE,  
T-10, THIRUMULLAIVOYAL POLICE STATION,  
CHENNAI.  
CR.NO.245 OF 2022.

[ RESPONDENT ]

For Petitioner : M/S.V.BHAGYARAJ Advocate

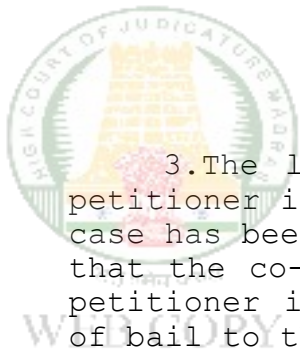
For Respondent : Mrs.G.V.KASTHURI, Additional Public Prosecutor

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 20.03.2022 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.245 of 2022 on the file of the respondent/police, seeks bail.

2. The case of the prosecution is that based on the information, on 19.03.2022 at about 18.30 hours the *de facto* complainant one Shankar, who is the Sub-Inspector of Police along with other police officials went to the spot and at that time, the accused A1 to A3 came on two wheelers and they were found in possession of 2 kg 100 gms of ganja and that the respondent police seized the contraband along with two wheelers and they have arrested the accused A1 to A3. Based on the confession statement from A1 to A3 that they bought the contraband from A4, he was also arrested and remanded to judicial custody.



3.The learned counsel for the petitioner would submit that the petitioner is in no way connected with the alleged offence and a false case has been foisted against the petitioner. He would further submit that the co-accused have already been released on bail and since the petitioner is in judicial custody from 20.03.2022 he prays for grant of bail to the petitioner.

4.When the matter was taken up for hearing on 05.05.2022, the learned Additional Public Prosecutor sought time for filing counter.

5. Today, the learned Additional Public Prosecutor by referring the counter affidavit filed by the respondent/police submitted that totally four accused are involved in this case and there is a specific overtact against the petitioner/A4. She would further submit that the petitioner purchased dry ganja from some unknown persons at Andhra Pradesh and the same has been sold to A1 to A3 and also college students. She further submitted that the petitioner is the prime accused in the alleged offence and one previous case is pending against the petitioner for the offence under Section 201 and 302 IPC. She would further submit that the investigation is pending and charge sheet is yet to be filed, at this stage, if the petitioner is released on bail, there is a possibility of absconding and tampering the witnesses, hence, she objects to grant bail to the petitioner.

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

7.Considering the serious nature of the offence and also considering the fact that there is a specific overtact against the petitioner and investigation is pending, at this stage, if the petitioner is released on bail, there is a possibility of tampering witnesses or hampering the investigation and the respondent police will not be able to find out from where the contraband was procured by the petitioner, 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,  
T-10, THIRUMULLAIVOYAL POLICE STATION,  
CHENNAI.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,  
CENTRAL PRISON-II, PUZHAI, CHENNAI.

CC to M/S.V.BHAGYARAJ Advocate on payment of necessary charges

CRL OP.10703/2022

Date :06/05/2022

TA-16/05/2022