



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL ORIGINAL PETITION No.10787 of 2022

VIMALKUMAR @ BALACHANDAR

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT.
(CR.NO. 150 OF 2022)

For Petitioner : MR. S.SILAMBUSELVAN 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 is the sole accused. The petitioner was arrested and remanded to judicial custody on 06.04.2022 and a case was registered in Crime No.150 of 2022 for the offences punishable under section 4(1)(a) , r/w section 4(1-A)(ii) of TNP Act and section 8(c), 20(b)(ii)(A) of NDPS Act, 1985.

2. The case of the prosecution is that the respondent police who is the defacto complainant while on regular patrolling, found the petitioner with illegal possession of 3 Litres of I.D.Arrack and 100 grams of Ganja and subsequently arrested him and remanded to judicial custody and hence, the complaint.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent and the case has been falsely foisted against him and he has been in the judicial custody since 06.04.2022. He would also submit that the petitioner had filed a petition for bail before the learned Principal District and Session Judge, Thiruvannamalai in CrI.M.P.No.1234 of 2022 and the same was dismissed on 23.04.2022. Hence, the present petition has been filed before this Court and seek for grant of bail to the petitioner.



4. Learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was in illegal possession of 3 Litres of I.D.Arrack and 100 grams of Ganja and the respondent police have seized the contraband. Though the petitioner has no previous case, the Learned Additional Public Prosecutor objected to grant of bail to the petitioner, since the chemical analysis report is yet to be received and the investigation is in preliminary stage

5. Heard the learned counsel and perused the material.

6. Admittedly, at the time of arrest, the petitioner was in illegal possession of 3 Litres of I.D.Arrack and 100 grams of Ganja without any licence or permission from the competent authority. The alleged contraband was recovered by the respondent police and the chemical analysis report is yet to be received. The investigation is at preliminary stage and in order to trace the source from where the petitioner has got the contraband, this Court is not inclined to grant bail to the petitioner as there is a possibility of absconding, tampering the witnesses and hampering the investigation, if the petitioner is released on bail.

7. In view of the above, this Criminal Original Petition is dismissed.

-sd/-

05/05/2022

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,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

2 THE SUPERINTENDENT
CENTRAL PRISON, VELLORE.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.10787/2022

Date :05/05/2022

CSK 13/05/2022