



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Reserved on : 09.02.2022
Pronounced on : 17.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.534 and 2682 of 2022

WEB COPY

Surya Prakash : Petitioner/Accused No.4
in CRL OP(MD). No.534/2022

Prasanth : Petitioner/Accused No.2/Accused No.2
in CRL OP(MD). No.2682/2022

Vs.

State represented by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
(Crime No.742 of 2021)

: Respondent/Complainant
in both Crl.OP's

(in CRL OP(MD). No.534/2022)

For Petitioner : Mr.R.L.Dilipan Pandian, Advocate
for Mr.B.Arun, Advocate

(in CRL OP(MD). No.2682/2022)

For Petitioner : Mr.D.Ramesh Kumar,
Advocate.

(in both Crl.OP's)

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

PETITIONS FOR BAIL Under Section 439 of Cr.P.C.

COMMON PRAYER :-

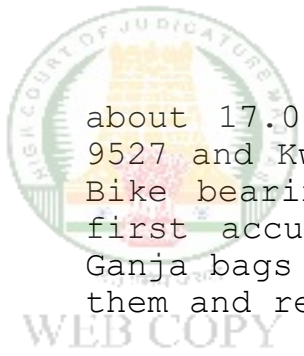
For Bail in Crime No.742 of 2021 on the file of the Respondent police.

ORDER : The Court made the following common order :-

The petitioners/A4 & A2, who were arrested and remanded to judicial custody on 25.09.2021 for the offences punishable under Sections 8(c) r/w 20(b) (ii) (C) of NDPS Act, in Crime No.742 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 25.09.2021, on receipt of secret information, the respondent Police intercepted two cars at

<https://hcservices.ecourts.gov.in/hcservices/>



about 17.00 hours a Datsun Car bearing Registration No. TN 65 AL 9527 and Kwid Car bearing Registration No. TN 55 AR 0689 and Pulsar Bike bearing Registration No. TN 65 AM 6145 and at that time, the first accused received the amount from the 7th accused by giving Ganja bags to the 7th accused, that the respondent Police has rounded them and recovered the contraband and also arrested all the accused.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution, that there was no recovery from the petitioners and that they have been falsely implicated in the above case.

4.The learned Additional Public Prosecutor would submit that the Datsun Car bearing Registration No. TN 65 AL 9527 is owned by the fourth accused and that the contraband was recovered only from the Car, in which the accused were travelling and that the petitioners have been arrested only at the occurrence place. He would further submit that the petitioners have given voluntary confession statement, that apart from contraband and amount of Rs.12,000/-, the respondent Police has also recovered a cell phone from the second accused and Datsun Car and cell phone from the fourth accused and that all the accused including the petitioners have subscribed the signatures in the seizure mahazar with respect to the contraband and other properties recovered from them. He would fairly concede that the petitioner/A4 is having one previous case for similar offence and the petitioner/A2 is having two previous cases, one case for similar offence and another case for 302 IPC.

5.It is settled law that the twin conditions contemplated under Section 37 of NDPS Act are conjunctive and the Court before granting bail has to satisfy that there are reasonable grounds for believing that the petitioners are not guilty of such offence and that they are not likely to commit such offence again, while on bail.

6.In the case on hand, since the petitioners are having previous cases, this Court cannot record a finding that the accused are not likely to commit any such offence, while on bail. Since the petitioners were very much present at the occurrence place and the contraband was recovered at that place and that the petitioners were also arrested along with the other accused at the same place and also considering the fact that the Datsun Car allegedly used in the occurrence, is owned by the fourth accused, this Court cannot record a finding that the petitioners are not guilty of such offence.

7.Considering the above, this Court has no other option but to say that the petitioners are not entitled to be enlarged on bail and hence, these petitions are liable to be dismissed.



8. In the result, the Criminal Original Petitions are dismissed.

sd/-

17/02/2022

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/ /2022

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
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON,
RAMANATHAPURAM.

ORDER IN

CRL OP(MD) Nos.534 and 2682 of 2022

Date :17/02/2022

RS/PN/SAR.3(22.02.2022) 3P-5C