



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3231 of 2022

Elavarasi ... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Velipalayam Police Station,
Nagapattinam District.
Cr.No.431 of 2017.

... Respondent/Complainant

For Petitioner : Mr.R.L.DHILIPAN PANDIAN,
Advocate.

For Respondent : Mr.M.MUTHU MANIKKAM,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :- For Anticipatory Bail in Crime No.431 of 2017 on the file of the Respondent police.

ORDER : The Court made the following order :-

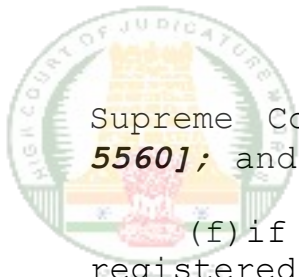
The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(C) of NDPS Act 1985, in Cr.No.431 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the other accused were in illegal possession of ganja weighing 20.100 kgs. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. He would further submit that there was no recovery from the petitioner and that the petitioner was falsely implicated only on the basis of the alleged confession statement taken from the co-accused.

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the contraband was recovered from the first accused and he was arrested at the occurrence place, that there are three accused persons, including the petitioner herein were present at the occurrence place and on seeing the Police party, A1 and A2 had escaped from the scene of occurrence.

the crime



Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

sd/-
15/03/2022

/ TRUE COPY /

/ /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 ADDITIONAL DISTRICT JUDGE / PRESIDING OFFICER,
SPECIAL COURT UNDER ESSENTIAL COMMODITIES ACT,
THANJAVUR DISTRICT.
- 2 THE INSPECTOR OF POLICE,
VELIPALAYAM POLICE STATION,
NAGAPATTINAM DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.3231 of 2022

Date : 15/03/2022

SA/VR/SAR.3/23.03.2022/3P/4C