



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/03/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD) . No.5680 of 2022

Ik @ Muthu Irulandi

... Petitioner/Accused

Vs

The Inspector of Police,
Keeraithurai Police Station,
Madurai City.
(In Crime No.239/2021)..

... Respondent/Complainant

For Petitioner : M/s.Vijay Anand,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

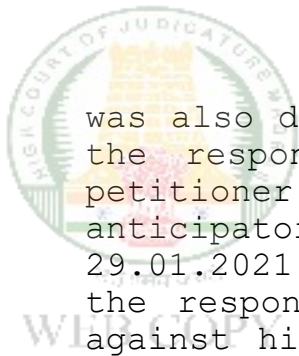
For Anticipatory Bail in Crime No.239/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 8 (c) r/w 20(b) (ii)(B) of NDPS Act, 25(1)(a) of Arms Act and 4(1) (a) of TN Prohibition Act, in Crime No.239 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 08.05.2021, while the respondent police party was on patrol duty, they found 1 ½ kgs of Ganja, three knives and 45 liquor bottles in a travel bag, which was possessed by the petitioner. On seeing the police party he fled away from the place of occurrence. Hence, a present case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. This is the fourth anticipatory bail application. He has filed Crl.OP(MD)No.6951 of 2021 and Crl.OP(MD)No.19070 of 2021 seeking anticipatory bail. That petitions were dismissed by this Court. Thereafter, he filed Crl.OP(MD)No.1201 of 2022. At the time of hearing, due to net work problem, the learned Counsel was not in a position to appear through video conference. Hence, that petition



was also dismissed for non appearance. He would further submit that the respondent police already lodged a false case against the petitioner in Crime No.1306 of 2020 and subsequently, he was granted anticipatory bail by this Court, in Crl.OP(MD)No.330 of 2021, dated 29.01.2021. When he complying the condition imposed by this Court, the respondent police threatened him that they will put up cases against him and also filed present false case. Hence, he seeks to grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that earlier anticipatory bail application was dismissed by this Court on the ground that the petitioner is having previous cases under the Arms Act. Further, on seeing the police team, it appears that the petitioner fled away from the place of occurrence. Hence, he opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the petitioner would submit that after released on bail in Crl.OP(MD)No.330 of 2021, dated 29.01.2021, he is regularly appearing before the respondent police. At that time, due to the threat made by the respondent police, he filed an application before this Court for modification and that petition was allowed. Subsequent to that, this false case has been foisted against him.

6.Whether it is a false case or not, is a matter for investigation. Apart from the offences under NDPS Act, the petitioner is involved in serious offence of Arms Act. On that ground, it was dismissed. Absolutely, there is no change of circumstance.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-

28/03/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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
KEERAITHURAI POLICE STATION, MADURAI CITY.



2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

WEB COPY

ORDER
IN
CRL OP(MD) No.5680 of 2022
Date :28/03/2022

SS/JM/SAR:II/01.04.2022 : 3P/3C