



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7217 of 2022

Sinthamani

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
NIB CID Police Station,
Nagapattinam District.
Crime No.16 of 2021.

... Respondent/Complainant

For Petitioner : Mr.V.Malaiyendran,
Advocate.

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

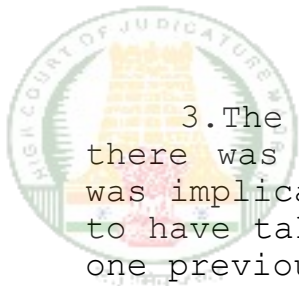
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.16 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w 24(b) (ii) (B) of NDPS Act, in Crime No.16 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 15.06.2021 at about 7 a.m., on the basis of private information received, the respondent police found the accused near Avurithidal and apprehended him, the police explained his right to be searched in the presence of Judicial Magistrate or gazetted officer. The accused expressed his willingness to be searched by the police party. Accordingly, the search was conducted and the police found 1.200 Kgs of Ganja in white polythene bag. During the course of investigation, the respondent police found from the confession statement of One Moorthy that the accused Sindhamani had also involved in selling the Ganja. Hence, the case came to be registered.



3.The learned counsel for the petitioner would submit that there was no recovery from the petitioner and that the petitioner was implicated only on the basis of the confession statement alleged to have taken from the co-accused and that the petitioner is having one previous case under the Prohibition Act.

4.The learned Additional Public Prosecutor appearing for the State would submit that the petitioner is having one previous case of commercial quantity in Crime No.1 of 2021, pending on the file of the NIB CID Nagapattinam.

5.No doubt, the petitioner's earlier application in Crl.OP(MD) No.8047 of 2021, was dismissed by this Court vide order dated 30.06.2021.

6.Considering the above and also the facts that the petitioner is having previous case under the NDPS Act of commercial quantity and that there is no change in circumstances, since the dismissal of the earlier petition for bail, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-
20/04/2022

/ 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 INSPECTOR OF POLICE
NIB CID POLICE STATION,
NAGAPATTINAM DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7217 of 2022
Date :20/04/2022

DAS
MK/PN/SAR.I/26.04.2022/2P/3C