



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/04/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.7047 of 2022

D.Baburaj @ Dinkal

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Keeradurai Police Station,
Madurai-City,
Madurai District.
(Crime No.97 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Santhanam R, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.97 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who has arrayed as A2 was arrested on 05.02.2021 and remanded to judicial for the alleged offences punishable under Section 8(c), 20(b)(ii)(c) and Section 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.97 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 04.02.2021, on a secret information, the police team went to the place of occurrence and on their inspection, two persons were found in possession of the contraband weighing about 30 kgs. Hence, the present case has been registered against the accused.



3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would further submit that this is the second bail application. First bail application filed by the petitioner in CrI.OP(MD)No.20147 of 2021 was dismissed by this Court on 23.12.2021. No recovery was made from this petitioner. Only on the basis of the confession statement given by A1, the petitioner was arrayed as accused and he is in judicial custody from 05.02.2021. Hence, he seeks to grant of bail to the petitioner.

4.The learned Government Advocate (CrI.Side) appearing for the State would submit that earlier bail application filed by the petitioner was dismissed by this Court on the ground that the petitioner has not complied the conditions mentioned under Section 37 of the NDPS Act.

5.The present petition has been filed mainly on the ground that no recovery has been made from this petitioner by the Investigating Officer and even after a lapse of 14 months, trial has not yet been commenced. In the earlier bail application, there was a direction to the concerned Court to expedite the trial process. Noting that it is a commercial quantity and conditions under Section 37 of the NDPS Act has not been complied, that petition was dismissed. Now, the grievance that has been expressed by the petitioner is that even after a lapse of 14 months, trial was not yet commenced.

6.The learned Government Advocate (CrI.Side) appearing for the State would submit that because of the abscondance of one of the accused person, trial has not commenced sofar.

7.Even though, there was a direction to split up the case against the petitioner, it appears that the same was not complied. Except, stating that no recovery was made from the petitioner, no other ground is made out by the petitioner. Hence, there shall be a direction to the Trial Court to expedite the trial process and conclude the same within a period of 5 months from the date of receipt of a copy of this order.

8.With the above direction, this Criminal Original Petition is dismissed.

Sd/-
19/04/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.I)
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 JUDICIAL MAGISTRATE NO.IV, MADURAI.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KEERADURAI POLICE STATION,
MADURAI-CITY,
MADURAI DISTRICT.
4. THE SUPERINTENDENT,
DISTRICT CENTRAL PRISON,
MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO : THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SANTHANAM R Advocate SR.No.3540

ORDER
IN
CRL OP(MD) No.7047 of 2022
Date :19/04/2022

SP/JM/SAR I/27/04/2022/3P/8C