



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.7261 of 2022

Velmurugan @ Vetrivelmurugan, ... Petitioner/Accused No.6

Vs

State Rep.by
The Inspector of Police,
Koodal Pudur Police Station,
Madurai City,
Madurai District.
In Crime No.1388/2020.

... Respondent/Complainant

For Petitioner : M/s.Nirajan.S.Kumar, Advocate.

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

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

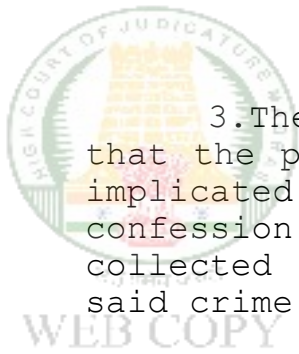
PRAYER :-

For Anticipatory Bail in Crime No.1388 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(c) and 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.1388 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 05.09.2021 at about 14.45 pm., when the respondent police on their regular check up at Anaiyur, near Imayam Nagar, Amman Nagar 1st street, the petitioner along with other accused were trying to escape from the spot on seeing the respondent police. On suspicious, the police party caught A-2 and A-3 and while searching the belongings, 22 kgs contraband was found. Hence, the present case has been registered.



3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that except the confession statement of the co-accused, no other materials are collected to show the involvement of this petitioner in the above said crime.

4. The entire perusal of the records shows that earlier bail application that has been filed by the petitioner came to be dismissed by this Court 22.12.2021 on the ground that twin conditions of Section 37 of the NDPS Act has not been complied with. Now this is the third application.

5. Now be that as it may, the allegation against this petitioner is that he was found in possession of contraband in the place of occurrence and this petitioner tried to escape from the place of occurrence. Now the investigation is also over and final report has also been filed and taken cognizance in C.C.No.120 of 2021 before the NDPS Court, Madurai. An execution warrant has been issued and he was in custody, during the pendency of the above said case, the present case has been registered. The trial was split as against the petitioner in S.C.No.306 of 2021 and thereafter, the warrant has been issued against the petitioner. The petitioner himself has surrendered on 08.11.2021 in S.C.No.306 of 2021 before the learned IV Additional District Judge, Madurai, was pleased to recall the NBW and remanded the petitioner to judicial custody.

6. The petitioner has filed Cr.MP.No.835 of 2021 in S.C.No.306 of 2021 seeking bail and the same was allowed by the IV Additional District Sessions Judge, Madurai. Thereafter, the petitioner enlarged on bail by the Superintendent of Prisons, Madurai, on his own bond.

7. Perusal of records shows that the petitioner was released on bail by the Superintendent of Prisons, Madurai on his own bond, so the question of anticipatory bail may not lie.

8. Considering the facts and the circumstances of this case, this Court directs the petitioner to approach the trial Court for appropriate relief.

With the above said liberty, this Criminal Original Petition is disposed of.

sd/-
20/04/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TTA

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
KODAL PUDUR POLICE STATION, MADURAI CITY,
MADURAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.NIRANJAN.S.KUMAR, Advocate (SR-3677[I] dated 22/04/2022)

ORDER

IN

CRL OP(MD) No.7261 of 2022

Date :20/04/2022

PKP/JM/SAR-1/01.06.2022/3P/4C