



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated: 14/07/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.7490 of 2022

WEB COPY

Attack Vijay

... Petitioner/Accused No.9

Vs.

State through
The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
Crime No.1623 of 2020

... Respondent/Complainant

For Petitioner : Mr.K.M.Priscilla Jancy, Advocate
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1623 of 2020 on the file of the Respondent Police.

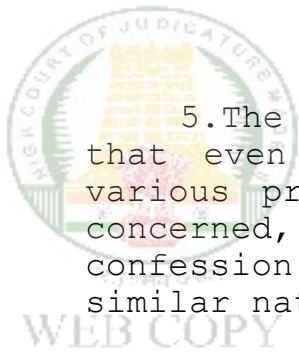
ORDER : The Court made the following order:-

The petitioner, who is arrayed as A9 was arrested, on 22/10/2020 and remanded to judicial custody for the alleged offences punishable under sections 8(c) r/w 20(b), (ii)(C), 25 and 29(1) of NDPS Act, in Crime No.1623 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 15/06/2020 at about 8.30 hours, on a tip off, the police team went to the place of occurrence and looking for the accused persons. At that time, they found the accused persons coming in the bike bearing registration No.TN-59-CC-0749. They were enquired and searched. On search, they were found in possession of 24 kgs of Ganja. The accused persons were arrested on the spot itself and later, remanded to custody.

3.Heard both sides.

4.The petitioner has been arrested and remanded to judicial custody, on 22/11/2020. Perusal of the case records shows that on the basis of the confession statement of the co-accused, this petitioner's involvement came to light and he was arrested and remanded to judicial custody.



5.The learned counsel appearing for the petitioner would submit that even though the petitioner is having criminal cases under various provisions of Indian Penal Code, so far as this case is concerned, it is purely a false case, registered on the basis of the confession statement of the co-accused. He has not involved in similar nature offence in the previous occasion.

6.The learned Additional Public Prosecutor would submit that the petitioner is having 9 cases, involved mostly under the provisions of the Indian Penal Code viz., under sections 302, 387 and 392 IPC etc. Among 9 cases, he has involved in two murder cases.

7.It is seen that the petitioner is a habitual offender having two murder cases in his credit. There is no guarantee that he will not commit any crime, if he is released on bail. Since section 37 of the NPDS Act must be strictly complied, the antecedent of the petitioner does not show that he will correct himself, if he is released on bail. Even though he is not involved in similar cases in the previous occasion, the bad antecedent of the petitioner is sufficient enough to deny the bail.

8.It is seen that the case is of the year 2020 and the petitioner is in custody for more than 300 days and the trial has not started so far. So, there shall be a direction to the trial court to expedite the trial process and complete the same, within a period of five months from the date of receipt of a copy of this order. If the trial could not be completed within the time stipulated by this court, the petitioner can approach the concerned court seeking bail.

9.With the above said direction, this criminal original petition stands **dismissed**.

sd/-

14/07/2022

/ TRUE COPY /

/07/2022

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.



Crl.OP(MD)



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To

- 1 THE INSPECTOR OF POLICE, AVANIYAPURAM POLICE STATION, MADURAI.
- 2 THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

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

ORDER

IN

CRL OP(MD) No.7490 of 2022

Date :14/07/2022

RS/PN/SAR.1 (20.07.2022) 3P-5C