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CRL OP(MD).



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.07.2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.7801 of 2022

Sivankalai

... Petitioner/Accused No.10

Vs

State Rep.by
The Inspector of Police,
Athoor Police Station,
Thoothukudi District.
(Crime No.137 of 2019).

... Respondent/Complainant

For Petitioner : Mr.T.Kumar, Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.137 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.10, who was arrested and remanded to judicial custody on 20.01.2020 for the offence punishable under Sections 8 (c), 20(b)(ii)(c), 29(1) and 25 of Narcotic Drugs and Psychotropic Substances Act, in Crime No.137 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.08.2019 at about 03.00 a.m., when the respondent police was on routine rounds, they intercepted a TATA ACE vehicle bearing Registration No.TN-04-AK-4762 at Authoor-Sernthapoomangalam Road, Near V.V.Minerals Company and found 294 kgs of Ganja in the said vehicle. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as

<https://www.mhc.tn.gov.in/judis>



alleged by the prosecution. He would further submit that even the confession statement of the co-accused, there is no other materials available to implicate the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is having a previous case in Crime No.60 of 2018 under NDPS Act and in that case, charge sheet has been filed and the case was taken on file in C.C.No.26 of 2019 and is pending.

5. As rightly contended by the learned Additional Public Prosecutor, all the pleas and points now raised by the petitioner have already been dealt with by this Court in the earlier application in Crl.O.P.(MD)No.14823 of 2021 vide common order dated 23.12.2021 and that subsequent application was dismissed as withdrawn.

6. Since the petitioner is having previous case for similar offence, this Court in the earlier order has specifically observed that this Court cannot record a finding that the petitioner is not likely to commit the offence after coming out on bail and dismissed the application.

7. Considering the above facts and circumstances and also the facts that the petitioner has failed to satisfy the twin conditions contemplated under Section 37 of NDPS Act and that there is no change in circumstances, since the dismissal of the earlier petition, this Court is not inclined to grant bail to the petitioner.

8. In the result, this Criminal Original Petition is dismissed.
sd/-

26/07/2022

/ TRUE COPY /

/08/2022

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

CSM

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
ATHOOR POLICE STATION,
THOOTHUKUDI DISTRICT.

2 THE SUPERINTENDENT
CENTRAL PRISON,
MADURAI.

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

+1 CC to M/s.T.KUMAR, Advocate (SR-7851[I] dated 28/07/2022)

ORDER

IN

CRL OP(MD) No.7801 of 2022

Date :26/07/2022

PKP/SVR/SAR-4/01.08.2022/3P/5C