



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

Dated: 16/08/2022

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PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)Nos.7045 and 9231 of 2022

Sadhick Ali : Petitioner/Accused No.8
in Crl.OP(MD)No.7045 of 2022

Santhiya Diaond : Petitioner/Accused No.4
in Crl.OP(MD)No.9231 of 2022

Vs.

The State rep. By its
The Inspector of Police,
Rameswaram Town Police Station.
Ramanathapuram.
(In Crime No.55 of 2022)

: Respondent/Complainant
IN BOTH PETITIONS

For Petitioner : Mr.S.Pandiyarajan, Advocate.
in Crl.OP(MD)No.7045 of 2022

For Petitioner : Mr.G.Naveen Kumar, Advocate.
in Crl.OP(MD)No.9231 of 2022

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor
(in both cases)

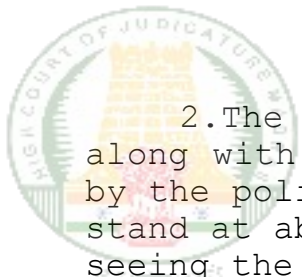
PETITIONS FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C

PRAYER:-For Bail in Crime No.55 of 2022 on the file of the
Respondent Police.

COMMON ORDER:- The Court made the following order:-

The petitioners, who are arrayed as A4 and A8 were arrested, on
11/02/2022 and remanded to judicial custody for the alleged offences
punishable under sections 8(c) and 22(c) of NDPS Act, 1985 @ 8(c)
r/w 22(c), 23(c), 28 and 29(i) of NDPS Act, in Crime No.55 of 2022

<https://www.mhlgov.in/judis>



2.The case of the prosecution is that the de-facto co-accused, A1, along with the police team as per the secrete information furnished by the police informer, they inspected Amma Park near Rameswaram Bus stand at about 4.00 am. The police informer identified 8 persons. On seeing the police party, three persons escaped and only five persons were apprehended. They disclosed their name and particulars. They were found in possession of 1.50 kgs of cocaine power. They also further disclosed that one Balamurugan working as police constable is also involved in the above said dealing of the contraband. They brought the cocaine power to sell the same to Sri Lanka. A1 had also handed over the mobile phone which contains the details of the persons who are in contact. On the basis of the above said occurrence, the case was registered.

3.Now seeking bail, A2 and A8 moved these bail petitions on the ground that except the confession statement of the co-accused, no other material has been collected or found out during the course of investigation. The bail application that was moved along with the co-accused was dismissed by this court on the ground that section 37 of the NDPS Act was not complied.

4.Heard both sides.

5.It is a case of cocaine measuring about 1.50 kgs. Reading of the FIR, it is seen that the above said cocaine power has been brought to the occurrence place for the purpose of smuggling the same to Sri Lanka. Since serious offence is involved in the international trading of contraband, a thorough investigation is required.

6.The learned counsel appearing for the petitioner would submit that except the confession statement no ground is available to implicate the petitioners in the offence.

7.A reading of the FIR shows that they identified all the persons, who escaped from the place of occurrence has also disclosed by the persons who were apprehended. It is further stated that he is suffering from Kidney problem and was admitted in the Government Hospital for treatment.

8.The learned Additional Public Prosecutor would submit that in this case, commercial quantity is involved. A9 who was working as police constable has involved in this crime and the anticipatory bail was dismissed by this court after considering the CD file and call details of the above said Balamurugan. There is a clear observation to the effect that it is a case of international trading of the contraband. Even though his health condition has been made, no concrete document has been produced to show that the health condition of the petitioner is in poor state. Absolutely, I find no ground to enlarge the petitioners on bail.



9. In the result, both the criminal original petition is **dismissed.**

sd/-
16/08/2022

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/08/2022

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

TO

- 1 THE INSPECTOR OF POLICE
RAMESWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 2 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7045 & 9231 of
2022
Date :16/08/2022

MK/PN/SAR.II/29.08.2022/2P/4C