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

Date : 21/06/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7435 of 2022

R.Jagateesan

... Petitioner/Accused No.4

Vs

State represented by
The Inspector of Police,
NIB-CID,
Theni District.
(Crime No.26 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Na.Manimaran, Advocate.

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in C.C.No.385 of 2021 on the file of the learned I Additional District Judge, Madurai (EC and NDPS Act) in Crime No.26 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who is facing a case for the offence punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(i) of NDPS Act in C.C.No.385 of 2021 on the file of the learned I Additional District Judge(EC and NDPS Act) cases, Madurai, in crime No.26 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.01.2021, on receiving secret information, the respondent police conducted a vehicle checkup at Kamanayakanpatti, Kuthanachiammankovil Road, near



Kajanthran Garden, at about 07.15 a.m., that they have intercepted a motor bike, namely Bajaj CT (without number plate), which was driven by the first accused and A2 and A3 as pillion riders, that when the respondent police was searching bags, A3 ran away from that place and that A1 and A2 were arrested and Ganja weighing 32kg was seized.

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3.No doubt, the petitioner's fourth application was already dismissed by this Court in Crl.O.P.(MD)No.2631 of 2022, vide order dated 11.03.2022. In the earlier order, this Court has made the following observations:-

".....11.It is settled law that the twin conditions contemplated under Section 37 of the NDPS Act are to be considered as conjunctive. Since the petitioner is having six previous cases, this Court cannot record a finding that the petitioner is not likely to commit such an offence, after coming out on bail. Hence, this Court has no other option, but to say that the petitioner is not entitled to be enlarged on bail..."

4.Considering the above, this Court is not inclined to grant bail to the petitioner. However, the learned I Additional District Judge(EC and NDPS Act) cases, Madurai is directed to complete the trial and dispose of the case, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

5.With the above direction, this Criminal Original Petition is disposed of.

Sd/-
21/06/2022

/ TRUE COPY /

28/06/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sj i

TO

1. THE I ADDITIONAL DISTRICT JUDGE,
(EC AND NDPS ACT) CASES, MADURAI.



2. THE INSPECTOR OF POLICE,
NIB-CID, THENI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4. 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. MANIMARAN.NA. Advocate SR.No.5845

ORDER

IN

CRL OP(MD) No.7435 of 2022

Date :21/06/2022

SP/VR/SAR II/28/06/2022/3P/7C