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CRL OP(MD).



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.8046 of 2022

K.Mukesh @ Mokkan

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Mathichayam Police Station,
Madurai.

Crime No.354 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Dinesh.K, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.354 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 21.06.2021 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.354 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 22.500 kg of Ganja. Hence, the complaint.

3. The learned counsel for the petitioner would submit that a reading of FIR does not disclose about the specific overt act against the petitioner and there was no recovery from the petitioner. He would further submit that the petitioner has not at



all present in the occurrence place. He is an innocent person and he did not commit any offence as alleged by the prosecution. The petitioner is in judicial custody from 21.06.2021. Hence, the petitioner may be granted bail.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the quantity of ganja involved in this case is commercial in nature. The investigation has been completed and the charge sheet has also been filed before the concerned Court and the case is ripe for trial. He would further submit that the petitioner is having some previous cases. Hence, he strongly opposed to grant bail to the petitioner.

5. Considering the nature and gravity of offence and considering the conduct and bad antecedents of the petitioner and also the fact that the quantity involved in this case is commercial, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-

26/09/2022

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/10/2022

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

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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 SUPERINTENDENT, CENTRAL PRISON, MADURAI.
2. THE INSPECTOR OF POLICE,
MATHICHAYAM POLICE STATION, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8046 of 2022

Date :26/09/2022

RK/GB/SAR- (10/10/2022) 2P/4C

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