



WEB COPY



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

Date : 27/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.8661 of 2022

Vikneswaran (Vicky)

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Kennikarai Police Station,
Ramanathapuram District.
(Crime No.919 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Kumar T, Advocate.

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

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

PRAYER :-

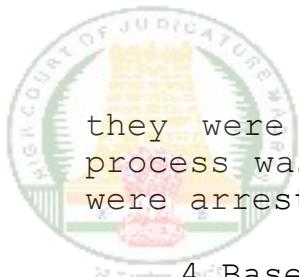
For Bail in Crime No. 919 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Section 8 (c) and 20(b) (ii) (c) of the NDPS Act in Crime No.919 of 2021 on the file of the respondent police.

2.The case of the prosecution in brief is as follows:-

3.On 01.12.2021, the defacto complainant, who is the police officer, was on duty and at that time, he received secret information through informer. So, along with the police team and arrangements, they were on look out for the suspect near Sethupathi Nagar North Main Road. At about 10.15 am., the informer identified a car bearing Reg.No.TN 65 Q 1508. That car was intercepted. All the occupants were enquired and they disclosed their names as Vikneswaran @ Vicky and Sankar. On further inspection and search,



they were found in possession of 22 kgs., Ganja and ... process was undertaken as per the procedure and rules. Both of them were arrested on the spot.

4. Based upon the aforesaid occurrence, the present case has been registered. Seeking bail, this petition has been filed on the ground that there was procedural violation by the respondent police at the time of aforesaid occurrence. It has been stated in the petition that Sections 50 and 42(1) of NDPS Act were not properly followed. Except stating these two procedural violations, no other ground worth considering, which are capable of satisfying the requirement of Section 37 of NDPS Act, has been brought on record.

5. Perusal of CD file shows that this petitioner is a habitual offender and is having many cases at his credit. He is involved in 9 cases, among which 3 cases are under Section 302 IPC. In one case, he was acquitted and the other two cases are pending trial. In the case in Crime No.161 of 2018, it has been stated that the investigation has been completed and final report was also filed. So, this shows the habitual nature of the petitioner. When the petitioner has been arrested along with contraband, Section 37 of NDPS Act has to be strictly applied. So, the petitioner is not entitled for the bail at this stage.

6. Since final report has been filed and the same has also been taken cognizance by the concerned trial Court in C.C.No.30 of 2022 and if the petitioner is released on bail, there is every likelihood of absconding and there is no guarantee that the petitioner will not commit any similar or other offences, this Criminal Original Petition deserves to be dismissed and accordingly, dismissed.

Sd/-
27/07/2022

/ TRUE COPY /

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

MM

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,
KENIKKARAI 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.8661 of 2022
Date :27/07/2022

SP/SVR/SAR I/29/07/2022/3P/4C