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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 16/08/2022

PRESENT

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

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

Sadhick Ali : Petitioner/A8 in
Crl.OP(MD)No.7045 of 2022

Santhiya Diamond : Petitioner/A4 in
Crl.OP(MD)No.9231 of 2022

Vs.

The State rep. By its
The Inspector of Police,
Rameswaram Town P.S.
Ramanathapuram.
(In Crime No.55 of 2022) : Respondent/Complainant

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

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

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

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

PRAYER:-C-32B.For Bail in Crime No.55 of 2022 on the file
of the Respondent Police.



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.



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9. In the result, both the criminal original petitions are **dismissed**.

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