



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.07.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.10326 of 2022

M.Kumar

... Petitioner/Accused No.7

vs.

The State represented by,
The Inspector of Police,
Mathichiyam Police Station,
Madurai City.
(Crime No.344 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.Dinesh,
Advocate.

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

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

PRAYER :-

For Bail in C.C.No.625 of 2021 on the file of the learned Additional District Judge/Presiding Officer, Principal Special Court for EC & NDPS Act cases, Madurai.

ORDER : The Court made the following order :-

The petitioner/A.7 is facing a case for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, in C.C.No.625 of 2021 on the file of the learned Additional District Judge/Presiding Officer, Principal Special Court for EC & NDPS Act cases, Madurai, in Crime No.344 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.06.2021 at about 09.15 a.m., on receiving a secret information, the respondent police went to Vaigai river and found the presence of the accused and that two persons, on seeing the police party, have escaped from that place and the police party arrested the remaining three persons and seized 24 kgs of Ganja.



3.The petitioner's earlier application for bail in Crl No.3581 of 2022 was dismissed by this Court vide order dated 15.03.2022.

4.As rightly contended by the learned Additional Public Prosecutor, all the points/aspects now raised by the petitioner have already been dealt with by this Court and this Court, by holding that the petitioner has not satisfied the twin conditions as contemplated under Section 37 of NDPS Act, has dismissed the earlier application.

5.When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that the trial Court may be directed to dispose of the case within a time frame fixed by this Court.

7.The learned Additional Public Prosecutor would submit that the sixth accused Chellapandian was absconding and hence, charge sheet has been laid by showing him as absconding accused and after taking on file, Non-Bailable Warrant was issued against him and the same is pending.

8.Hence, the prosecution is directed to take necessary steps for executing the warrant as against the sixth accused and in case of non-execution of warrant, is directed to take steps to split up the case as against the sixth accused and thereafter the learned trial Judge is directed to proceed with the trial and dispose of the case within a period of four months.

9.With the above directions, this Criminal Original Petition is disposed of.

sd/-

05/07/2022

/ TRUE COPY /

/07/2022

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

CSM

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 Additional District Judge/Presiding Officer,
Principal Special Court for EC & NDPS Act cases,

<https://www.mh.judis.nic.in/>



2.The Inspector of Police,
Mathichiyam Police Station,
Madurai City.

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.

ORDER

IN

CRL OP(MD) No.10326 of 2022

Date :05/07/2022

RK/JM/SAR-II/08.07.2022 : 3P/6C