



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN
CRL OP(MD). No.10870 of 2022

WEB COPY

Karthi @ Karthik

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Theni NIB-CID Police Station,
Theni District.
(Crime No.8 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Mahendran P, Advocate.
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

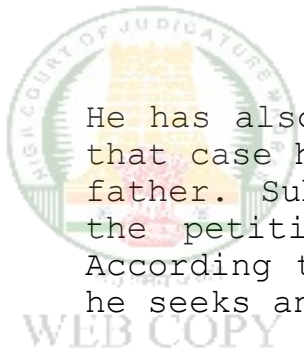
For Anticipatory Bail in Crime No.8 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 8(c), 20(b) (ii) (B), 25 and 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.8 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on a secret information on 15.02.2022 at about 7.30 a.m., the police party went to the place of occurrence along with other police officials and at about 09.00 a.m., near Poomalai Theatre near Hanumanthapatti, when the police intercepted one two wheeler bearing registration No.TN 60 AC 2445, the pillion rider escaped from that place. The rider was caught hold and on searching they found 5 kilograms of Ganja in two bags totally 10 Kilograms of Ganja worth about Rs.1 lakh. Thereafter further process is undertaken. On the basis of the confession of the second accused, this petitioner has been arrayed as first accused.

3.The learned Government Advocate (Crl. Side) submitted that this petitioner was also involved in another case similar in nature. But the learned counsel for the petitioner submitted that a wrong statement has been given in the FIR as if that the above said two wheeler belongs to this petitioner. But it belongs to one Palpandi.



He has also produced the copy of the RC Book. He would submit that that case has been registered falsely against the petitioner and his father. Subsequently, the present FIR has been registered against the petitioner as if he escaped from the place of occurrence. According to him, both the complaints are false one. On that ground he seeks anticipatory bail.

4. But whether the involvement of the petitioner is there or not is a matter of investigation. When repeated complaint has been registered against the petitioner, it is a matter for custodial interrogation to bring out the truth. The confession statement of the co-accused was also produced before this Court. According to the learned Government Advocate (Crl. Side), this accused along with co-accused has purchased Ganja from Kerala and transported the same to Tamil Nadu and sell the same. Hence, custodial interrogation is necessary. Hence, he vehemently opposed.

5. Considering the gravity of offence, this Court is not inclined to grant anticipatory bail to the petitioner. This petition deserves to be dismissed and accordingly dismissed.

sd/-

11/07/2022

/ TRUE COPY /

/07/2022

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

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,
Theni NIB-CID Police Station,
Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC TO MR.P.MAHENDRAN, Advocate (SR-31171[F] Dated 12/07/2022)

ORDER IN

CRL OP(MD) No.10870 of 2022

Date : 11/07/2022