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CRL OP(MD). A



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11092 of 2022

Arul Vignesh

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Town Police Station, Rameswaram,
Ramanathapuram District.
(Crime No. 128 of 2022).

... Respondent/Complainant

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

For Respondent : T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

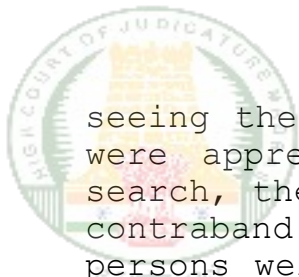
For Bail in Crime No. 128 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who was arrested on 10.04.2022 for the alleged offences under Sections 8(c) r/w 22(c), 23(c), 28 and 29(1) of the NDPS Act, in Crime No.128 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on secret information, the defacto complainant along with team of police members went to the place of occurrence and the information says that Methamphetamine contraband is going to be smuggled to Sri Lanka through boat. At that time, 09.04.2022, at about 16 hours, when they were in surveillance, 4 persons were found in suspicious manner. On

<https://www.mhc.tn.gov.in/judis>



seeing the police party, they tried to escape. Out of 4 persons 3 were apprehended namely, 1.Brightwin 2.Desman 3.Arul Vignesh. On search, they were found in possession of 925 gram of Methamphetamine contraband. 3 persons have been arrested on the spot. The escaped persons were identified as Sethupandi and Sethupathi. On the basis of the above said occurrence, case has been registered against the accused persons and the petitioner was arrested on 10.04.2022. Ever since, he is in custody and filed this petition seeking bail.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that only on the basis of the confession statement of A1, the petitioner was implicated in the above said occurrence.

4.Reading of the FIR shows that the petitioner was apprehended on the place itself along with the contraband and co-accused.

5.Contention on the part of the petitioner is that only on the basis of the confession statement of the co-accused, the petitioner was arrayed as accused is not correct. The reason for the presence in the occurrence place was not explained by the petitioner. It appears that international smuggling of the above said contraband is also suspected.

6.Even though the petitioner is in custody from 10.04.2022, considering the seriousness of the offence, he is not entitled for bail. There is every likelihood of absconding. It is also seen that sophisticated tools are also recovered from there since he is involved international contraband smuggling activity.

7.In view of the above, this Criminal Original Petition is dismissed.

sd/-

23/08/2022

/ TRUE COPY /

/09/2022

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

dss

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 OFFICER IN CHARGE,
DISTRICT JAIL, PUDUKOTTAI.

2. THE INSPECTOR OF POLICE,
TOWN POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11092 of 2022

Date : 23/08/2022

RK/JM/SAR-II (01/09/2022) 3P/4C