



WEB COPY

CRL OP(MD).A



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 06/07/2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI  
CRL OP(MD). No.11409 of 2022

1.Sasikumar

2.Jesuraja

... Petitioners/Accused 1&4

Vs

1. The Deputy Superintendent Of,  
Police, Nib-Cid, Dindigul,  
Dindigul District.

...1<sup>st</sup> Respondent/  
Investigation Officer

2. The State rep.by,  
The Inspector of Police,  
Chatrapatti Police Station,  
Dindigul District.  
Crime No. 157 of 2021.

...2<sup>nd</sup> Respondents/Complainant

For Petitioner : M/s.Paulkanagaraj.R.C,  
Advocate.

For Respondent : Mr.T.Senthilkumar,  
Additional Public Prosecutor

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

PRAYER :-

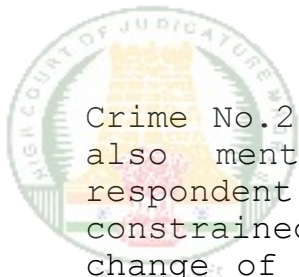
For Anticipatory Bail in Crime No.36 of 2021 on the file of  
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the  
respondent Police, for the alleged offences punishable under  
sections 8(c), 20(b) (ii) (c), 25, 29(1) of NDPS Act, 1985, in Crime  
No.157 of 2021, on the file of the respondent police, seeks  
anticipatory bail.

2.Mr.R.C.Paulkanagaraj, learned counsel appearing for the  
petitioner submits that the petitioner is a transport owner having  
several lorries and two of his lorries were missing during the month  
of August 2020, for which, he lodged a complaint before the  
Ottanchatram Police Station on 04.08.2020, for which, CSR No.2103 of  
2020 was also issued. Subsequently, a case has been registered in

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



Crime No.2103 of 2020 only on 05.09.2020. Though the petitioner is also mentioned the suspected accused in his complaint, the respondent police has not acted upon. Therefore, the petitioner was constrained to approach this Court in W.P(MD.No.14086 of 2020 for change of investigation. The petitioner has also made out specific allegations as against the Inspector of Police of Ottanchatram Police Station for his inaction in investigating the case registered in Crime No.2103 of 2020. According to the learned counsel for the petitioner, the respondent police have closed the said case as mistake of fact and thereafter the petitioner has taken up this issue to the higher officials by lodging repeated complaints. With this grudge, the respondent police have foisted this false case as if this petitioner along with other accused transported ganja in a Car near Viruppachikanavaimeedu, Dindigul to Palani Road.

2.1.The learned counsel further submits that the petitioner was not present in the place of occurrence. However, the respondent police registered a case as if when the police party reaches the occurrence place, the petitioner along with the fourth accused ran away from the place of occurrence.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that a sum of Rs.1,00,000/- has been transferred from the account of the petitioner to the account of the second accused on 06.05.2021, just four days prior to the occurrence and they are also having call details for the presence of the accused on 09.05.2021 in the place of occurrence, where contraband was exchanged by the accused on 10.05.2021. He also furnished the details about the criminal cases against the petitioner:-

| Sl.N<br>o | Crime Numbers | Offences                       | Stage                                       |
|-----------|---------------|--------------------------------|---------------------------------------------|
| 1.        | 605 of 1997   | Sections 307, 302 IPC          | Convicted on 14.10.2010. 5 years punishment |
| 2.        | 948 of 2006   | Section 394 IPC                | Acquitted on 24.12.2018                     |
| 3.        | 536 of 2003   | Sections 457,380 IPC           | Acquitted on 14.10.2010                     |
| 4.        | 140 of 2011   | Section 110 Cr.P.C             | Bind over                                   |
| 5.        | 471 of 2012   | Section 110 Cr.P.C             | Bind over                                   |
| 6.        | 205 of 2016   | Section 110 Cr.P.C             | Bind over                                   |
| 7.        | 67 of 2021    | Sections 447, 284(b) & 323 IPC | -                                           |

4.In reply, the learned counsel appearing for the petitioner disputed the number of cases against the petitioner. He



further submits that only two cases are pending as against the petitioner, out of which, one is ended in acquittal and in another case, the petitioner was initially convicted and later he succeeded in appeal. He further submits that on the previous date of occurrence i.e on 09.05.2021 alone the petitioner's location was traced out by the respondent police and no other material has been adduced by them to prove the presence of the petitioner on the date of occurrence. According to the petitioner's counsel, the petitioner attended a marriage function on 08.05.2021 near the occurrence place. With regard to the transaction of Rs.1,00,000/-, the learned counsel submits that the second accused is also a transporter having some business transaction with the petitioner and therefore, the transaction happened between the petitioner and the second accused that too through bank account cannot be taken as inference as against the petitioner. Finally, he submits that all the grounds projected by the Investigating Agency is not correct.

5.This Court considered the rival submissions made by either side and perused the materials placed on record.

6.Though the petitioner was not secured by the respondent police, the allegation as against this petitioner is that he also present in the place of occurrence along with other accused and he absconded from the place of occurrence on seeing the police party. In earlier occasion, this Court granted interim anticipatory bail to the petitioner enabling the petitioner to appear before the respondent police for interrogation and directed the respondent to file a report. The respondent police also filed a report stating that a sum of Rs.1,00,000/- has been transacted from the petitioner's account to the account of the second accused. Apart from this, the call details and tower location were also collected by the Investigating Agency that there is nexus between the petitioner and the second accused from whom the contraband has been recovered. Moreover, the learned Additional Public Prosecutor also brought to the notice of this Court that the petitioner has also involved in several IPC cases.

7.Considering all the above, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

06/07/2022

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/07/2022

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



TO

1.The Deputy Superintendent Of Police,  
NIBCID, Dindigul,  
Dindigul District.

2.The Inspector of Police,  
Chatrapatti Police Station,  
Dindigul District.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.PAULKANAGARAJ R.C Advocate SR.No.6808

ORDER

IN

CRL OP(MD) No.11409 of 2022

Date :06/07/2022

RK/SVR/SAR-IV/20.07.2022/4P/5C