



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 05/08/2022

PRESENT

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

WEB COPY

Crl.OP(MD)No.11400 of 2022

M.Mahes Kumar : Petitioner/Accused No.2

Vs.

The State rep. By
The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti, Thoothukudi District,
(Crime No.347 of 2022) : Respondent/Complainant

For Petitioner : Mr.P.Banu Prasath

For Respondent : Mr.P.Kottai Chamy
Government Advocate
(Criminal side)

PETITION FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C
PRAYER:-

For Anticipatory Bail in Crime No.347 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 8(C), 20(b)(ii)(B) and 29(1) of NDPS Act, in Crime No.347 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 07/06/2022 based upon a secrete information of the police informer, the de-facto complainant along with his police team raided Inam maniyachi road. At that time, at about 3.15 pm, one person was identified by the police informer. He was apprehended and he disclosed his name as 'Sundarapandian'. A search was made and he was found in possession of 296 pockets of ganja each contains 5 grams. He further revealed that he purchased the same, which was supplied to him by one Maheskumar and he was employed by him for selling the same for daily wage of Rs.2,000/-. The above said Mages Kumar in turn used to purchase the contraband from unknown persons in Dindigul. Further



proceedings of sampling and arrest were made.

3. Seeking anticipatory bail, this petition has been filed on the ground that the petitioner has been falsely implicated in this case, based upon the confession statement of the co-accused.

4. Heard both side. Entire CD file has been called for and perused.

5. No doubt that on the basis of the confession statement of the co-accused, this petitioner has been implicated. But it is seen that the petitioner is a habitual offender, having 11 previous cases, among which six cases are of similar in nature. Apart from that, he has also involved in the case of murder, attempt to murder, causing grievous hurt and extortion.

6. Even though, it has been contended by the petitioner that no material has been collected during the course of investigation to connect the petitioner in the offence, the previous bad antecedent of the petitioner is sufficient enough to deny the discretionary relief of anticipatory bail. If the petitioner is enlarged on anticipatory bail, there is no guarantee that he will not commit any similar offence or other offences in future.

7. So considering the previous antecedents of the petitioner, this court is not inclined to enlarge the petitioner on anticipatory bail and he must undergo the process of custodial interrogation.

8. In the result, this criminal original petition is **dismissed**.

sd/-

04/08/2022

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/08/2022

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

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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,
Kovilpatti West Police Station,
Kovilpatti,
Tirunelveli District,

<https://www.mhcn.org.in/>



Crl.OP(MD)Λ



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

+1 CC to M/s.P.BANUPRASATH, Advocate (SR-8175[I] dated 05/08/2022)

WEB COPY

ORDER

IN

CRL OP(MD) No.11400 of 2022

Date :04/08/2022

RD/SVR/SAR-I(11/08/2022) 3P 4C