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CRL OP(MD). 1



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11452 of 2022

M.Asaidurai @ Aasaithurai,

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Kamuthi Poilce Station,
Ramanathapuram
(Crime No. 572 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Vishnuram G, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.572 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 8(c) and 20(b) (ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, (NDPS Act), in Crime No.572 of 2021 on the file of the respondent police.

2.The case of the prosecution is that based upon the secret information that was received from the police informer, the respondent police went to the place of occurrence and at that time, 4 persons were found in possession of some packages. On seeing the police party, two persons escaped from that place and the remaining persons were apprehended and they disclosed their names as well as the persons, who ran away from that place. Based upon the aforesaid occurrence, the aforesaid case has been registered and the accused 1 and 2 have been arrested and remanded to judicial custody and later, they were released on bail.

<https://www.tn.hc.org.in/>



3.Now, the case against the petitioner is that he was found in the place of occurrence and escaped from that place along with contraband.

4.The learned Government Advocate (Crl.side) for the respondent would submit that so far the remaining contraband has not been recovered from the petitioner as well as the 4th accused.

5.Since the recovery has to be made, grant of anticipatory bail to the petitioner may not arise at this stage. Since the remaining contraband has not been recovered so far, as I mentioned earlier, the petitioner is not entitled for the discretionary relief of anticipatory bail.

6.This Criminal Original Petition deserves to be dismissed and accordingly, dismissed.

sd/-

01/08/2022

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/08/2022

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

MM

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
KAMUTHI POILCE STATION,
RAMANATHAPURAM
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11452 of 2022

Date :01/08/2022

PKP/JM/SAR-2/17.08.2022/2P/3C