



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 08.07.2022

PRESENT

WEB COPY

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Cr1.O.P. (MD) No.11889 of 2022

Selvam

... Petitioner/Accused-1

Vs.

State through
The Inspector of Police,
Silaiman Police Station,
Madurai District,
(Crime No.539/2021).

... Respondent/Complainant

For Petitioner : Mr.S.Moorthy, Advocate

For Respondent : Mr.T.Senthil Kumaran
Additional Public Prosecutor

PETITION FOR BAIL Under Section 439 of Cr.P.C.,

PRAYER

For Bail in Crime No.539 of 2021 on the file of the respondent police.

ORDER: The Court made the following order:-

The petitioner/Accused No.1, who was arrested on 24.12.2021 for the alleged offence under Sections 8(c) r/w 20(b) (ii) (C) of NDPS Act, in Crime No.539 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 24.12.2021 at about 06.00 a.m., the respondent police, on receiving a secret information, went to near Viraganur Bus Stop, Viraganur to Theppakulam Road and they had intercepted the petitioner and other accused and seized 21 kgs of ganja from them. After completing all the formalities contemplated under NDPS Act, the petitioner and other accused were arrested and remanded to judicial custody.

3. The learned counsel appearing for the petitioner would submit that the petitioner suffering with serious ailment and he has also produced the prescription of the doctor and he is not in a position to survive without medicine and hence, bail may be granted.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that petitioner was involved in other cases. In the earlier case, the petitioner was arrested and released on bail. When he was on bail, he involved in the present case and after the investigation, the respondent police has filed the charge-sheet. The said charge-sheet also reveals that there is an incriminating materials against the petitioner. If he released on bail, he would involve in same type of offence. He would further submit that they are taking active steps to cancel the bail granted in the earlier case, which is also pending. The petitioner is a habitual offender. Since there is no change of circumstances, especially, in this case, the petitioner is not entitled to get the bail when the earlier petition was dismissed and hence, he prays for dismissal of the bail.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6. Admittedly, the petitioner was involved in other case and in that case, he was arrested and released on bail and when he was on bail, he is involved in the present case. The respondent police has completed the investigation and filed the charge-sheet. The earlier bail application was dismissed on the ground that the investigation is pending, now, the investigation has been completed and charge-sheet has also been filed. However, considering the serious nature of offence and also considering the fact that the petitioner was involved in similar type of offence and released on bail. When he was on bail, he is involved in the present case. If he released on bail, there is a possibility of repeating the same.

7. Therefore, considering the facts and circumstances of the case and also considering the quantity of contraband recovered from the petitioner, previous antecedents of the petitioner, this Court is not inclined to grant bail. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

08/07/2022

/ TRUE COPY /

/ /2022

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



TO

1. THE INSPECTOR OF POLICE,
SILAIMAN POLICE STATION,
MADURAI DISTRICT.
2. THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11889 of 2022

Date :08/07/2022

SP/JM/SAR I/19/07/2022/3P/4C