



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated: 04/02/2022

PRESENT

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

Cr1.OP(MD)Nos.11100 of 2021

Antony Adimai : Petitioner/Accused No.1

Vs.

The State represented by
The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
(Crime No.171 of 2021)

: Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu
Senior Counsel
for M/s.Dhana Law Associates

For Respondent : Mr.SS.Madhavan
Government Advocate
(Criminal side)

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

PRAYER :- For Anticipatory Bail in Crime No.171 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A1 apprehending arrest at the hands of the respondent police for the alleged offences under sections 8[c] and 20(b)(ii)[C] of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.171 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons were in possession of 23.300 kgs of ganja.

3.Heard both sides.

4.The learned Senior counsel appearing for the petitioner straightway rely upon the CCTV footage which was fixed in the home. The learned senior counsel appearing for the petitioner would submit that the petitioner was not at all available in the place of



occurrence, when the contraband has been seized by the police from the co-accused. So according to him, the petitioner is not involved in the offence.

5.It is further contended that when prima facie materials have been produced before this court showing his non availability in the place of occurrence, it is sufficient to satisfy the requirement of section 37 of the NDPS Act.

6.The entire CD file has been called for and perused. Perusal of the CD file shows that a big network is operating in that area involving the supply of contraband to Srilanka. It is also seen that the contraband has been transported for most of the times in the high sea. So such a nature of offence requires a thorough investigation subjecting the petitioner to the custodial interrogation, even though the petitioner appeared before the respondent police as per the order of this court, he has also given a statement denying all the allegations against him. The learned Senior counsel would submit that absolutely no material has been collected by the investigating officer to show that the petitioner is also involved in smuggling activity or handling the contraband to Srilanka. When serious allegation of such nature has been made by the respondent police, as mentioned earlier, thorough investigation is required, which involves the other information also.

7.So this is not a fittest case to enlarge the petitioner on anticipatory bail, even though a plea of alibi has been taken as defence of the CCTV footage. Whether that was any possible for the petitioner available in the place of occurrence at that time is a matter for thorough investigation.

8.The learned Government Advocate (Criminal side) would submit that as per the CCTV footage, the petitioner alleged to be available in a particular place. But as per the FIR, on seeing the the police party this petitioner alleged to have escaped from the place of occurrence. There is difference of half an hour between the time mentioned in the CCTV footage and the occurrence stated in the FIR. So, the plea of alibi cannot be taken at this stage.

9.Considering the entire factual circumstances, as mentioned earlier it is not a fittest case, to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

04/02/2022

/ TRUE COPY /

/ /2022

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



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.

WEB COPY

1 THE INSPECTOR OF POLICE,
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1CC TO M/s.Dhana Law Associates, Advocate, Sr No.4373

ORDER
IN
CRL OP(MD) No.11100 of 2021
Date :04/02/2022

er
MS/PN/SAR-1/16.02.2022/3P.4C