



WEB COPY

Crl.OP(MD)N



122

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 11/08/2022

PRESENT

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

Crl.OP(MD)No.12139 of 2022

Raja

(In the FIR mentioned as

Raja @ Tractor Raja)

: Petitioner/Accused No.2

Vs.

The State rep. By

The Inspector of Police,

NIBCID, Theni,

Theni District.

(Crime No.23 of 2022)

: Respondent/Complainant

For Petitioners

: Mr.R.Sundar

For Respondent

: Mr.P.Kottai Chamy

Additional Public Prosecutor

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

PRAYER:-

For Anticipatory Bail in Crime No.23 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) r/w 20(b)(ii)(8) and 29(1) of NDPS Act, in Crime No.23 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 30/06/2022, on a secrete information, the de-facto complainant along with the police team were in the surveillance. At about 7.50 pm, the police informer identified the accused persons, who were found in carrying gunny bag. Search was made. On search, they were found in possession of 6 kgs of ganja and further samplings were undertaken as per the procedure. On the basis of the above said occurrence, the case was



registered.

3. During the course of investigation, A1 revealed his name as Muthai @ Oothai Muthaiah and he was arrested and remanded to judicial custody. He gave confession to the effect that he used to purchase the contraband from this petitioner, who is arrayed as A2. On the basis of the above said confession, he has arrayed as an accused. 4. Seeking anticipatory bail, this petition has been filed by the petitioner stating that except the confession statement of this petitioner, no other material has been collected to show the involvement of this petitioner. He is only a tractor driver and he has been falsely implicated.

5. The learned Government Advocate (Criminal side) would submit that this petitioner is have bad antecedent and he is also involved in three cases and he was also convicted in Crime Nos.350 of 2011 and 240 of 2013. It is further submitted by the learned Government Advocate (Criminal side) that CDR report reveals the contact between A1 and this petitioner. Only on the basis of the above contact, the involvement of the petitioner has further got to be investigated. For that purpose, the custodial interrogation of the petitioner is required and he is not entitled for anticipatory bail.

6. It is seen from the records that the petitioner is not keeping his good conduct. He was also convicted for the offence under section 387 IPC. When prima facie material has been collected by the Investigating Officer to show the contact of A1 and this petitioner, the petitioner must be subjected to custodial interrogation to find out the connection with A1.

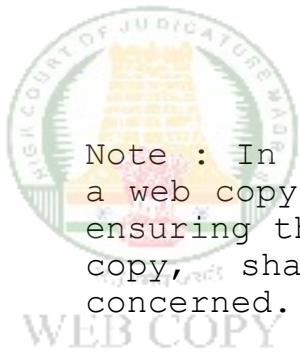
7. Considering the bad antecedent of the petitioner, he is not entitled for the discretionary relief of anticipatory bail. Accordingly, this criminal original petition is **dismissed**.

sd/-
11/08/2022

/ TRUE COPY /

/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,
NIBCID, Theni,
Theni District.

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

Crl.OP (MD) No.12139 of 2022
11/08/2022

TR/PN/SAR-II (17.08.2022) 3P 3C