



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/10/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) Nos.14957 and 15463 of 2022

Mydeenkani

... Petitioner/Accused No.5
in CrI.O.P(MD) No.14957 of 2022

Kannan @ Mokkaikannan,

... Petitioner/Accused No.2
in CrI.O.P(MD) No.15463 of 2022

Vs

State Rep.by
The Inspector of Police,
Mathichiyam Police Station,
Mathichiyam,
Madurai City.
Crime No.354 of 2021.

... Respondent/Complainant
in both petitions

For Petitioners : Mr.A.Jeyaram, Advocate.
In both petitions

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor
in both petitions

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

COMMON PRAYER :-

To release the petitioners / accused on bail in C.C No.556 of 2021 on the file of the Additional District Judge/ Presiding Officer, the 1st Additional Special Court for EC and NDPS Act Cases, Madurai, pending trial.

COMMON ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 21.06.2021 for the offences punishable under Section 8(c) r/w 20(b)(ii)(c), 29(1) of Narcotic Drugs and Psychotropic Substance Act, 1985, in Crime No.354 of 2021, on the file of the respondent police, seek bail.

<https://www.mhc.tn.gov.in/judis>



2.The case of the prosecution is that the petitioners () are accused were found in illegal possession of 22.500 kgs of Ganja. Hence, the complaint.

3.The learned counsel for the petitioners would submit that there was no recovery from the petitioners and they have not at all present in the occurrence place. They are innocent persons and they did not commit any offence as alleged by the prosecution. He would further submit that based on the confession statement of the co-accused, the petitioners have been implicated in this case and they are in judicial custody from 21.06.2021. Hence, the petitioners may be granted bail.

4. The learned Government Advocate (crl.side) appearing for the respondent police submitted that in this case, charges were framed and the case is now posted for trial. He would further submit that the quantity of ganja involved in this case is commercial in nature and the first petitioner is having five previous cases and the second petitioner is having four previous cases. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5.Considering the seriousness and gravity of offence and considering the bad antecedents of the petitioners and also the fact that the quantity of ganja involved in this case is commercial, this Court is not inclined to grant bail to the petitioners.

6.Accordingly, these Criminal Original Petitions are dismissed.
sd/-

11/10/2022

/ TRUE COPY /

/10/2022

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

TO

1 THE INSPECTOR OF POLICE
MATHICHIYAM POLICE STATION,
MATHICHIYAM, MADURAI CITY.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+2 CC to M/s.A.JEYARAM, Advocate (SR.Nos.11308(I) & 11309[I])

ORDER

IN

CRL OP (MD) Nos.14957

and 15463 of 2022

Date :11/10/2022

CP

<https://www.crb.gov.in/> 2/17.10.2022/2P/6C