



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/09/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.15620 of 2022

Raja, ... Petitioner/Accused No.2
(In Fir Mentioned as Raja @ Tractor Raja),

Vs.

State Rep.by
The Inspector of Police,
NIBCID, Theni,
Theni District.
Crime No.23 of 2022.

... Respondent/Complainant

For Petitioner : Mr.R.Sundar, Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

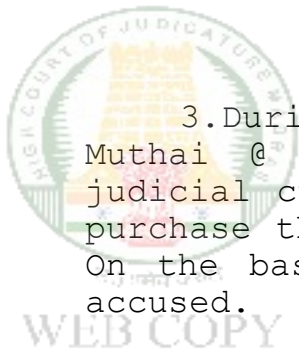
PRAYER :-

For Anticipatory Bail in Cr.No.23 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence 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 defacto complainant along with the police team were in the surveillance. At about 7.50 p.m., 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. The earlier application filed by this petitioner was dismissed by this Court on 11.08.2022, on the ground that this petitioner was convicted in Crime Nos.350/2011 and 240/13. At that time, the learned Additional Public Prosecutor submitted that this petitioner has supplied the contraband to the co-accused for selling. CDR Report was also revealed that there was frequent contact between this petitioner and the co-accused. Finding that since serious allegation has been made against the petitioner, a thorough investigation is required by subjecting this petitioner to custodial interrogation, that application was dismissed on 11.08.2022. After a lapse of a month, this petition came to be filed on the ground that it is a false case.

5. The petitioner is a driver by profession and he submitted that a false case has been foisted against him. Absolutely, I find no merit in the submissions made by the petitioner. As I mentioned above, the petitioner is a habitual offender and also convicted in more than one case. As mentioned in the earlier order, when serious allegation of supplying the contraband for the purpose of selling, he must be subjected to custodial interrogation. I find no change of circumstances. Since there is no change of circumstances, though it is stated that it is a false case, it is not sufficient to enlarge the petitioner on anticipatory bail.

6. Therefore, this Criminal Petition deserves to be dismissed and accordingly, dismissed.

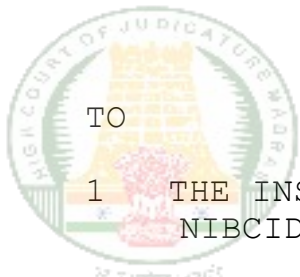
sd/-
19/09/2022

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/09/2022
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.

ORDER

IN

CRL OP(MD) No.15620 of 2022

Date :19/09/2022

PKP/VR/SAR-2/21.09.2022/3P/3C