



WEB COPY

Crl.OP(MD)N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 27/10/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGO VAN**

Crl.OP(MD)No.16433 of 2022

Naveenkumar

...Petitioner/Accused No.3

Vs.

State rep. By
The Inspector of Police,
Cumbum North Police Station,
Theni District.
(in Crime No.638 of 2021)

... Respondent/Complainant

For Petitioner : Mr.NA.Manimaran,Advocate

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

PETITION FOR BAIL under Sec.439 of Cr.P.C

PRAYER :-

For Bail in Crime No.638 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A3 was arrested, on 02/09/2021 and remanded to judicial custody for the alleged offences punishable under sections 8(c) r/w 20(b), (ii) (C) and 29(1) of NDPS Act, in Crime No.638 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 02/09/2021 at about 7.00 am, on a tip off, the police team went to the place of occurrence and looking for the accused persons. At about 7.45 am, they found three persons namely Surrender, Jeyasuriya and Naveen Kumar with a luggage. They were enquired and searched. On search, they found 21 kgs of ganja. The accused persons were arrested on the spot itself and later, remanded to custody. The contraband was also produced before the concerned court on the next day, that is on 03/09/2021.



3.Heard both sides.

4.This is the third bail application. The second bail application was filed in Crl.OP(MD)No.14035 of 2022 by the petitioner stating that his mother was seriously ill and admitted in Theni Government Hospital in ICU and stating that he is the only son available to take care of his mother. That was verified by the respondent police and found that the petitioner is not the only son and his mother got other children also and one of the daughters taking care of the mother. Finding that a wrong information or misinformation has been given by the petitioner for the purpose of obtaining bail, the earlier application was dismissed not only on the misinformation, but also on merits.

5.Now learned counsel appearing for the petitioner would submit that ever-since from the date of the arrest, he is in custody.

6.Already, the petitioner made an attempt to mislead the court, such a person is not entitled for bail. He has to face the trial in custody. Except stating that it is a foisted case, no new ground has been raised.

7.I find no reason to differ from the earlier view that was taken by this court. The petition again absolutely liable to be dismissed and accordingly, it is dismissed. But however, considering the fact that the offence is of the year 2021 and ever-since from the date of arrest, the petitioner is in prison, there shall be a direction to the trial court to expedite the trial process and complete the same within a period of six months from the date of receipt of a copy of this order

8.With the above said direction, this criminal original petition is **dismissed**.

sd/-

27/10/2022

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/11/2022

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

TO

1 THE PRINCIPAL SPECIAL JUDGE
FOR EC & NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION,
TIRUMANGALUR DISTRICT.

<https://www.mhc.tri>



3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

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COPY TO

THE REGISTRAR(JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.16433 of 2022

Date :27/10/2022

ER

PKP/SSS/SAR-1/02.11.2022/3P/6C