



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.17388 of 2022

M.Asaidruai @ Aasaithurai

... Petitioner/3rd Accused

Vs

State rep.by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram.
(In Crime No.572/2021).

... Respondent/Complainant

For Petitioner : M/s.Vishnuram G, Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.572/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 8(c) and 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, (NDPS Act), in Crime No.572 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 1.5 Kg of Ganja. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that this is the second anticipatory bail application. Earlier application filed by the petitioner was



dismissed by this Court on the ground that the petitioner was also found in the place of occurrence. On seeing the police party, he fled away from the place of occurrence.

4. The learned Additional Public Prosecutor would submit that the contraband has not recovered so far since he is absconding. Other accused were arrested and only after a year, they were released on bail.

5. The learned counsel for the petitioner would submit that the co-accused used the vehicle, which belong to the petitioner only, on that ground, he has been falsely implicated.

6. Reading of the FIR shows that the petitioner was found in the place of occurrence and also identified by the Police Informer. Unless the petitioner is apprehended, truth will not come out. So also the contraband.

7. In view of the above, this Criminal Original Petition is dismissed.

Sd/-
29/09/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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,
KAMUTHI POLICE STATION,
RAMANATHAPURAM.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17388 of 2022
Date : 29/09/2022