



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.17620 of 2022

Kumar @ Sivakumar

... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
NIBCID Police Station,
Nagapattinam District.
(Crime No.15 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Karuna.V, Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

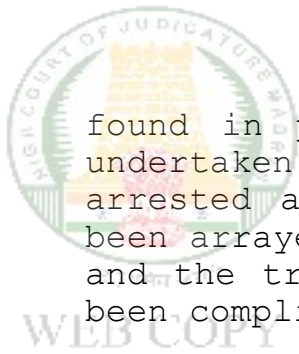
PRAYER :-

For Bail in Crime No.15/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A4 was arrested on 25.04.2022 and remanded to judicial custody for the alleged offences punishable under Section 8(c), 20(b)(ii)(c), 29(1) and 25 of NDPS Act, in Crime No.15 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 21.07.2020 in the earlier hours at 0.03 a.m., upon the secrete information furnished by the police informer, the police team visited Pushpavanam seashore area and at that time, a boat was identified by the informer. At about 2.00 a.m., two persons were carrying gunny bags and loaded in the boat. They were identified by the police informer and both the persons were apprehended and they disclosed that their name as Mahendran and Dhanapal. On suspicion search was made, they have



found in possession of 36 kgs of ganja. So further process was undertaken as per the procedure and the accused persons were arrested and remanded to judicial custody and this petitioner has been arrayed as A1. He moved bail application before the trial Court and the trial Court found that Section 37 of the NDPS Act has not been complied.

3.This is the second anticipatory bail application that was filed by the petitioner. The earlier application was dismissed by this Court on 02.08.2022, on the ground that the contraband was about to be smuggled to Srilanka. The above said observation has been made by this Court by going through the CD file. Considering the international ramification of the offence, the earlier petition was dismissed.

4.Now the learned counsel for the petitioner submitted that the co-accused was granted bail by this Court in Crl.O.P.(MD).No.4820 of 2022, who was arrayed as third accused. According to him, this petitioner is also standing on the very same footing, so the very same benefit must be extended to this petitioner also.

5.Per contra, the learned Additional Public Prosecutor submitted that not only the co-accused confession statement is available. But CDR report also been gathered to show the conversation between this petitioner and the co-accused. According to him, enough materials have been collected during the course of investigation to implicate this petitioner. The bail that was granted to the third accused cannot be taken for the simple reason that that was granted on the ground that except the confession statement of the co-accused, no other material has been available. But as I mentioned earlier, the order was passed by this Court after perusing the entire CD file.

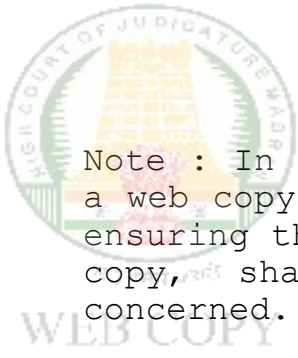
6.Considering the gravity of the offence and as well as the international trade, the earlier application was dismissed. I find absolutely no change of circumstances and no reason to allow this petition. This petition deserves to be dismissed.

7.Accordingly, this Criminal Original Petition is **dismissed**.

Sd/-
31/10/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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 POLICE STATION,
NAGAPATTINAM DISTRICT.
2. THE OFFICER INCHARGE,
DISTRICT PRISON, NAGAPATTINAM.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.17620 of 2022
Date :31/10/2022

SP/GB/SAR IV/04/11/2022/3P/4C