



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.18131 of 2022

WEB COPY

S.Mohamed Froskhan

... Petitioners/Accused No.5

Vs.

State represented by
Inspector of Police,
Thiruvattar P.S
Kanyakumari.
(Crime No.365 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.365 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order -

The petitioner, who is arrayed as A5 was arrested, on 05/12/2021 and remanded to judicial custody for the alleged offence punishable under section 8(c) r/w 20(b), (ii) (C) of NDPS Act, in Crime No.365 of 2021, seeks bail.

2.The case of the prosecution is that the de-facto complainant on a secrete information furnished by the police informer, went to the place of occurrence along with a police team and the police informer identified the accused persons namely Lalithabai. She was apprehended and enquired. During the course of enquiry and search, she was found in possession of 32 kgs of ganja. As per the procedure and law, sampling was undertaken and she was arrested and remanded to judicial custody. During the course of investigation, the involvement of the petitioner also came to light. On the basis of the above said information that was furnished by the co-accused, this petitioner was also implicated.

3.Heard both sides.

4.The earlier bail application filed by the petitioner came to be dismissed, on 30/08/2022 in Crl.OP(MD)No.10905 of 2022 after elaborate discussion. The grounds, which are now raised have also



been raised in the above said petition and those facts and circumstances were taken into account. Finding that the petitioner was not in a position to explain the possession of the contraband by satisfying the requirement of section 37 of the NDPS Act, it was dismissed. Again the very same ground has been raised now.

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5. It is submitted by the learned Additional Public Prosecutor that the petitioner is involved in six previous cases, out of which, two cases of similar nature and other cases are under the provisions of IPC; Now the final report has also been filed before the concerned trial court and it was taken cognizance in CC No.156 of 2022.

6. When the petitioner is involved in previous cases of similar nature, the contention on the part of the petitioner that it is a foisted case cannot be accepted.

7. I find absolutely no change of circumstances, except stating that ever-since from the date of the arrest, he is in custody. Without changing of circumstances, this petition has been filed. So, I find no reason to entertain this petition.

8. In the result, this criminal original petition 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.

sd/-

27/10/2022

/ TRUE COPY /

/11/2022

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

To

- 1 THE INSPECTOR OF POLICE, THIRUVATTAR POLICE STATION, KANYAKUMARI DISTRICT.
- 2 THE OFFICER INCHARGE, DISTRICT PRISON, PALAYAKOODAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE I ADDITIONAL DISTRICT & SESSIONS JUDGE FOR EC & NDPS ACT, MADURAI.

Copy To

THE SECTION OFFICER, CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.18131 of 2022

Date : 27/10/2022

ER

RS/SBN/SAR.1(01.11.2022) 2P-6C

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