



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 11/11/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.18750 of 2022

Karthi @ Karthik

: Petitioner/A1

Vs.

State represented by
The Inspector of Police,
NIB-CID Police Station,
Theni,
Theni District.
(Crime No.8 of 2022)

: Respondent/Complainant

For Petitioner : Mr.KaruppusamyPandian.G

For Respondent : Mr.S.S.Madhavan
Government Advocate
(Criminal side)

PETITION FOR Anticipatory Bail under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.8 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A1 apprehending arrest for the offence punishable under sections 8(c), 20(b)(ii)(B), 25 and 29 (1) of the NDPS Act, in Crime No.8 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on a secret information on 15/02/2022 at about 7.30 am, the police party went to the place of occurrence along with other police officials and at about 9.00 am, near Poomali Theatre near Hanumanthapatti, when the police intercepted one two wheeler bearing registration No.TN-60-AC-2445 the pillion rider escaped from that place. The rider was caught hold and on searching they found 5 kgs of ganja in two bags totally 10 kgs of ganja, on the basis of the confession of the second accused, this petitioner has been arrayed as the first accused.



3.This is the second anticipatory bail application filed by the petitioner seeking anticipatory bail. Noting that he is involved in successive cases in Crime Nos.8 of 2022 and 20 of 2022, the above said application came to be dismissed by this court.

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4.Now the learned counsel appearing for the petitioner would submit that both the cases have been foisted upon the petitioner only on the basis of the confession statement of the co-accused.

5.The entire CD file in respect of the Crime Nos.20 of 2022 and 8 of 2022 have been called for and perused. The earlier offence is dated 05/05/2022, which is involved in the present petition. Perusal of the records shows that the friend of the petitioner is arrayed as A2 and he was arrested for the possession of the contra band on 13/02/2022. During his statement, he disclosed that he along with the petitioner engaged in ganja trading. They used to purchase the ganja from Kerala, transporting the same to Tamil Nadu and selling the same. The above said transportation of ganja was also seized on the spot itself.

6.With regard to the vehicle, the learned counsel appearing for the petitioner would submit that it does not belong to the petitioner. To show the same, he has also produced the RC Book stands in the name of one Paulpandi. But perusal of the CD file during the course of investigation the statement of the above said Paulpandi has been recorded, wherein he has stated that he sold the property to one Sakthi Finance and at that that he has supplied all the relevant documents for transferring the ownership and later he came to know that the above said vehicle was sold to the petitioner without proper documentation by the above said Sakthi Finance. Whether this fact is true or not is a matter for investigation.

7.The contention on the part of the petitioner that only on the basis of the confession statement of the co-accused he has arrayed as an accused and no material has been collected connecting this petitioner to the above said offence is not at all correct on record. Similarly perusal of the CD file in Crime No.20 of 2022 also shows that A1 Jayaraman is the father of this petitioner and he was also arrested along with the contraband in the place of the occurrence itself and he has stated that he is also involved in the above said crime. It is seen that he along with the above said Sujith, who is A2 in Crime No.2 of 2022 went to Kerala and purchased ganja. So it appears that the father, son and the above said Sujith are involving in continuous ganja trading activities. Such offence of nature and habitual nature of the petitioner dis-entitles him from claiming the discretionary relief. He has to surrender before the above said special court or before the respondent and seek regular bail.



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8. In the result, this criminal original petition is **dismissed**.

sd/-

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

TO

- 1 THE INSPECTOR OF POLICE
THENI NIB-CID POLICE STATION, THENI DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.18750 of 2022

Date :11/11/2022

SS/BUC/SAR I/17/11/2022/ 3P 3C