



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/01/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.20813 of 2021

M.Kandasamy

... Petitioner/Accused No.3

Vs

The Inspector of Police,
Manur Police Station,
Tirunelveli District.
Cr.No.367 of 2020..

... Respondent/Complainant

For Petitioner : Mr.S.P.Veerapandi, Advocate

For Respondent : Mr.Antony Sahaya Prabhakar,
Additional Public Prosecutor

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

PRAYER :-

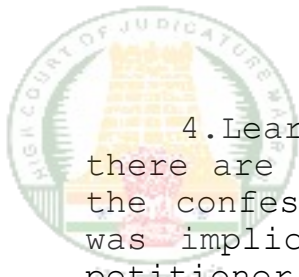
For Bail in Crime No.367 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 31.07.2020, for the offence punishable under Sections 8(c) r/w 20(b) (II) (c), 25 and 29(1) of NDPS Act, in Crime No.367 of 2020 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 29.07.2020 at about 08.00 am, at Rastha Village, Sankarankovil Main Road, Tirunelveli, the respondent police found that the accused persons came in an Auto with the possession of plastic bag containing Ganja weighing about 14 kgs for retail sale. On the confession statement of the co-accused, the petitioner was arrested and contraband weighing about 8 kgs was recovered from him.

3.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The petitioner has been implicated through the confession statement of the co-accused. The investigation has been completed and final report has also been filed. The petitioner is inside the prison from 31.07.2020 and therefore, prayed for bail.



4. Learned Additional Public Prosecutor submitted that totally there are three accused and the petitioner is the third accused. On the confession statement of the accused nos.1 & 2, the petitioner was implicated as an accused. Four bundles were seized from the petitioner, each weighing 2 kgs of Ganja. This is the fifth application filed by the petitioner and the earlier applications were dismissed by this Court. Without any change in circumstances, he has moved this application.

5. It appears that this is the fifth application for bail and the earlier applications were dismissed by this Court on the ground that the ganja seized in this case is of commercial quantity. Now, this application is filed by the petitioner without referring the change of circumstances to consider the case.

6. Since there is no change of circumstance and considering the antecedents of the petitioner, this Court is not inclined to entertain this Criminal Original Petition and the same is accordingly dismissed. However, considering the period of incarceration, the trial Court is directed to conclude the trial within a period of six months from the date of receipt of a copy of this order.

sd/-
06/01/2022

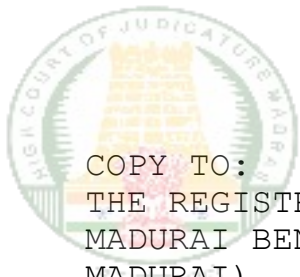
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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 JUDGE,
PRINCIPAL COURT FOR EC & NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
MANUR POLICE STATION, TIRUNELVELI DISTRICT
- 3 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI PRISON.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



COPY TO:
THE REGISTRAR(JUDICIAL) ,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI)

WEB COPY

CRL OP(MD) . No.20813 of 2021

ORDER

IN

CRL OP(MD) No.20813 of 2021

Date :06/01/2022

SS/JM/SAR-II/12.01.2022 : 3P/6C