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Crl.OP(MD)N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 21/12/2022

PRESENT

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

Crl.OP(MD)No.22069 of 2022

Saranya

... Petitioner/Accused-5

Vs.

State rep by.
Inspector of Police,
Pettai Police Station,
Tirunelveli District.
(Crime No.288 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.Maharaja, Advovcate.

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.288 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 27/09/2021 and remanded to judicial custody for the alleged offences punishable under section 8(c), 20(b)(ii)(C) and Section 29(1) of NDPS Act, in Crime No.288 of 2021 on the file of the respondent police, seeks bail.

2.As per the prosecution case, on 28/08/2021 at about 9.00 hours, when the police team on a tip off, went to the place of occurrence, they saw the accused persons and on nabbing in the place of occurrence and on investigation, they were found in possession of 23 kgs of ganja jointly and the contraband has been seized in the mahazar and further proceedings have been undertaken as per law. This petitioner was arrested in the place of occurrence itself and ever-since, she is in judicial custody.



4. When the matter is posted for orders, the learned counsel appearing for the petitioner would submit that he may be permitted to move the bail application before the trial court and permission was granted to the petitioner to move bail before the trial court.

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5. The learned Additional Public Prosecutor would submit that while filing petition, it is often omitted to mention the earlier order and result. According to him, by misleading the court, the petitioner is getting orders before the court as if, it is a fresh petition.

6. So considering the grievance that has been expressed by the learned Additional Public Prosecutor, the petitioner is directed to mention all the earlier petitions and the result, etc., while moving the applications before the trial court. Of course, it is for the trial court to decide the same on its own merits without being influenced by any observation of the earlier bail petitions filed before this court.

7. In the result, this criminal original petition is **dismissed**. Since final report has been filed and it was taken cognizance by the concerned court, liberty is granted to the petitioner to approach the concerned trial court seeking appropriate relief, by mentioning all the previous bail application details filed before this court.

sd/-

21/12/2022

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/01/2023

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

ER

TO

- 1 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
- 2 THE INSPECTOR OF POLICE,
PETTAI POLICE STATION,
TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



Crl.OP(MD)N



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COPY TO:
THE JUDGE,
SPECIAL COURT FOR EC & NDPS ACT COURT,
MADURAI

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+1. CC to M/S.MAHARAJA M Advocate SR.No.15247(I)

ORDER

IN

CRL OP (MD) No.22069 of 2022

Date :21/12/2022

VA/MMS/SAR-4/23.01.2023/3P/6C