



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2023

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.639 of 2023

Selvapandi

... Petitioner / 6th Accused

Vs.

The State, represented through
The Inspector of Police,
Mathichayam Police Station,
Madurai City.
(Crime No.344 of 2021)

... Respondent / Complainant

PRAYER: This Civil Original Petition is filed under Sections 439 of Criminal Procedure Code, to release the petitioner on bail in Crime No.344 of 2021 on the file of the respondent Police.

For Petitioner : Mr. Kaliraj.M
For Respondent : Mr. Nambiselvan.B
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to release the petitioner on bail in Crime No.344 of 2021 on the file of the respondent Police.

2. By the order dated 28.10.2022, the trial Court was directed to complete the trial process in C.C.No.625 of 2021 within a period of five months from the date receipt of copy of that order dated 08.08.2022.

3. The learned counsel for the petitioner would submit that the above said order has not been complied by the trial Court and he is in custody for more than eight months. Report has been called for from the Special Court for trial of NDPS Cases, Madurai. In the report it has been stated that due to the absence of the witnesses, the trial could not be completed.

4. The learned Additional Public Prosecutor would submit that the respondent will produce the witness before the concerned Court as directed by this Court to complete the trial process. Even the petitioner is in custody for more than eight months, the trial could not be completed due to absence of the witnesses for the past several years.



5. Considering the fact that there is commercial quantity, unless the petitioner is able to satisfy the requirement under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner. Further submitted that co-accused namely Muthukaruppu / Accused No.4 was enlarged on bail in Crl.M.P(MD) No.17239 of 2022. So far as the other accused, they are in custody.

6. Considering the fact that there is commercial quantity and recording the undertaking given by the learned Additional Public Prosecutor the bail application is dismissed. The respondent is directed to produce witness and co-operate with the trial Judge to complete the trial process. The trial Court is directed to complete the trial within three months from the date of receipt of copy of this order.

7. With the above directions, this bail application is dismissed.

sd/-
20/02/2023

/ TRUE COPY /

/02/2023

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

TO

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

ORDER
IN
CRL OP(MD) No.639 of 2023
Date :20/02/2023

SS/Vs/SAR I (23.02.2023) 2P 4C