



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.499 of 2023

Sethupandi

... Petitioner/Accused-4

Vs

State Rep.by
The Inspector of Police,
Rameshwaram Town Police Station,
Ramanathapuram District.
Crime No.128 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Senthilkumar.A, Advocate
For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.128 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 09.04.2022, for the offence punishable under Sections 8(c) r/w 22(c), 23(c), 28, 29(1) of NDPS Act in Crime No. 128 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that on 09.04.2022, the accused persons were found in possession of 925 grams of Methamphetamine. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has been arrayed as A4 in this case. He is innocent and he has been falsely implicated in the case. Even as per the prosecution, the petitioner is stated to have run away from the scene of occurrence and that he has been implicated in the case, only based on the confession statement recorded from A1 to A3. Other than that there is no material to connect the petitioner to the crime. There is no recovery from the petitioner and he had



voluntarily surrendered before the Court and he is in custody on 27.04.2022. Hence, prays to enlarge him on bail.

4.The respondent Police has filed a detailed counter. The learned Additional Public Prosecutor would submit that the petitioner was found along with the arrested accused A1 to A3 and on seeing the police, the petitioner ran away from the scene of occurrence. A1 to A3 has stated that the petitioner has conscious knowledge about the possession of contraband, since all of them invested money and they have dealt with the contraband, which is a commercial quantity. There are materials to show that there was continuous transactions between the petitioner and A1, A3. During the relevant period, the petitioner had spoken with A1 for 18 times and with A3 for 23 times. They are in constant touch with each other. In this case, trial has commenced, PW1 was examined in chief and posted for cross examination of PW1 on 28.02.2023. There are 14 witnesses and the respondent will be able to complete the trial as expeditiously as possible. He would further submit that the petitioner has not satisfied the conditions under Section 37 of NDPS Act. The question of abetment and criminal conspiracy cannot be gone into at the time of considering the bail petition. These aspects have to be considered on the basis of oral and documentary evidences that would be adduced during the trial of the case. Hence, prays to dismiss petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.It is a case, where on specific information the respondent Police had conducted search and the petitioner ran away from the scene of occurrence and the respondent has seized 925 grams of Methamphetamine, which is a commercial quantity. Even at the time of arrest of A1 to A3, they have spoken about the involvement of the petitioner. As per the prosecution, there are materials to show that the petitioner is having constant touch with A1 and A3.

7.In view of the above, this Criminal Original Petition stands dismissed. However, the learned Additional District and Sessions Judge, Special Court for EC Act Cases, Pudukottai is directed to conclude the trial, as expeditiously as possible, preferably, within a period of three months, from the date of receipt of copy of the order.

sd/-

22/02/2023

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/03/2023

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

PNM

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TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SPECIAL COURT FOR EC ACT CASES, PUDUKOTTAI.

2 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKOTTAI.

3 THE INSPECTOR OF POLICE, RAMESHWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.499 of 2023

Date :22/02/2023

RS//SAR-4(08.03.2023) 3P 6C