



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

Date : 01/03/2023

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.1834 of 2023

Ramesh @ Ramesh Kumar

... Petitioner/Accused No.12

Vs

State rep. by
The Deputy Superintendent Of Police,
Q Branch CID,
Trichy District,
Cr.No.1/2007.

... Respondent/Complainant

For Petitioner : M/s.Asif Mohamed M,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

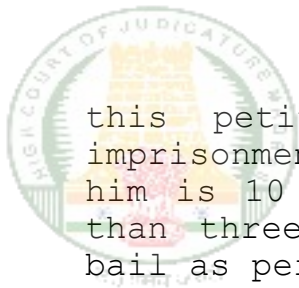
To enlarge the petitioner/accused no.12 on bail in CC No.33/2018 on the file of the learned Additional District and Sessions Judge, Pudhukottai.

ORDER : The Court made the following order :-

The petitioner /Accused No.12, who was arrested and remanded to judicial custody on 26.02.2020, for the offences punishable under Section 8(c) r/w Section 20(b) (ii) (B) of NDPS Act, 1985, Section 120 (B) IPC, Section 10(a) (iv) of Unlawful Activities (Prevention) Act, 1967, Section 6 of Explosive Substances Act, 1967, Section 5(a) of Explosive Act and Section 14 of Foreigners Act, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused have procured iron balls, which are used for manufacturing explosives, weighing 4.5 tonnes and attempted to supply the same to a banned organisations viz., LTTE, Sri Lanka for the purpose of preparing explosives.

3. The learned counsel appearing for the petitioner by <https://www.mca.gov.in/dist> the provisions under Section 436 A of Cr.P.C submits that



this petitioner has already undergone more than three years imprisonment and the maximum punishment for the offence committed by him is 10 years. Since this petitioner has already completed more than three years of imprisonment, the petitioner is entitled for bail as per the provisions under Section 436A of Cr.P.C.

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4. The learned Additional Public Prosecutor strongly objects for enlarging the petitioner on bail as the petitioner has absconded and on issuance of warrant only he has been secured. He further submits that there is no delay on the part of the respondents and the prosecution has completed the entire prosecution witnesses. Now the case is posted for arguments. The learned Additional Public Prosecutor undertakes that on the next date of hearing, the prosecution will complete its arguments. He further submits that the delay has been occurred only due to filing of applications by the petitioner for recalling the witnesses unnecessarily. It is reported that the next date of hearing is 03.03.2023 for defense side evidence.

5. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondent.

6. Considering the rival submissions made, taking into account the nature of offence and the fact that the petitioner has already absconded and secured, this Court is not inclined to grant bail to the petitioner. However, considering the fact that the case in CC No.33 of 2018 is pending from the year 2018, the learned Additional District and Sessions Judge/Presiding Officer, Pudukkottai is directed to complete the trial within a period of one month from the date of receipt of a copy of this order. The petitioner as well as the respondent shall complete their arguments on the next date of hearing and co-operate for early disposal of the case.

7. With the aforesaid directions, this Criminal Original Petition is dismissed.

sd/-
01/03/2023

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/05/2023

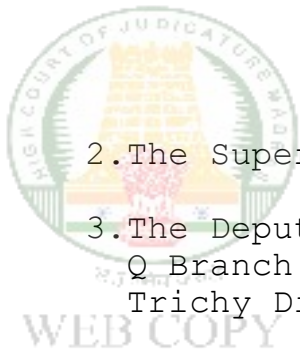
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

TO

1. The Additional District and Sessions
Judge, Pudukkottai District.

<https://www.court.gov.in/>



- 2.The Superintendent, Central Prison, Trichy.
- 3.The Deputy Superintendent Of Police,
Q Branch CID,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.1834 of 2023
Date : 01/03/2023

NA/BUC/SAR- /23.05.2023/3P/5C