



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.3426 of 2023

Arunkumar @ Pura Arun

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Pattukottai Town Police Station,
Pattukottai.
(Crime No.899/2020).

... Respondent/Complainant

For Petitioner : M/s.Sundarapandian S S, Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.899/2020 on the file of the Respondent Police.

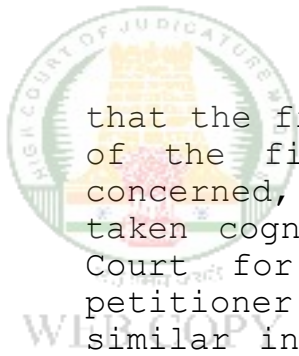
ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 27.12.2021 for the offences punishable under Sections 8 (c) r/w 20(b) (ii) (C) of NDPS Act in Crime No.899 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with the first accused were found in illegal possession of 22kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner was arrested and remanded to judicial custody on 27.12.2021. Now the respondent police has completed the investigation and filed a final report and the same has been taken cognizance in C.C.No.41 of 2022 on the file of the Special Court for EC and NDPS Act Cases, Thanjvur. Thereby, he would seek for bail.

4.The learned Additional Public Prosecutor has also filed a counter affidavit before this Court, wherein, it has been stated



that the first accused was released on statutory bail for not filing of the final report in time and as far as the petitioner is concerned, the charge sheet has been filed and the same has been taken cognizance in C.C.No.41 of 2022 on the file of the Special Court for EC and NDPS Act Cases, Thanjavur. That apart, the petitioner so far involved in 10 previous cases and all the cases are similar in nature. The petitioner is a habitual offender and also failed to satisfy the twin conditions contemplated under Section 37 of NDPS Act. Hence, he prayed for dismissal of this petition.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and circumstances of the case and also the fact that even after dismissal of the earlier petition, there is no change in circumstances of the case and hence, this Court is not inclined to grant bail to the petitioner.

7.In the result, the Criminal Original Petition is dismissed.

sd/-

09/03/2023

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/03/2023

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

SJI

TO

1 THE INSPECTOR OF POLICE, PATTUKOTTAI TOWN POLICE STATION,
PATTUKOTTAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, PUDUKOTTAI.

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

ORDER

IN

CRL OP(MD) No.3426 of 2023

Date :09/03/2023

RS/CG/SAR-1(27.03.2023) 2P 4C