



WEB COPY

CRL OP(MD).



23

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

Date : 14/03/2023

PRESENT

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

CRL OP(MD) . No.4476 of 2023

R.Ptr @ Palanivelrajan

... Petitioner/Accused NO.6

Vs

State rep. by,
The Inspector of Police,
Mathichayam Police Station,
Madurai City.
Cr.No.137/2021.

... Respondent/Complainant

For Petitioner : M/s.Absar Ussain.L,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 137/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.6, who was arrested and remanded to judicial custody on 30.04.2021 for the alleged offences under Sections 8(c) r/w 20(b)(ii)(C) and 29(1) of NDPS Act, 1985 in Crime No.137 of 2021 on the file of the respondent, seeks bail.

2. The case of the prosecution is that on 14.04.2021, at about 09.15 hours, on receiving the secret information, the respondent police went to old building nearby Madina Masjid, on seeing the Police, the accused persons attempted to escape. The respondent police nabbed the accused and seized 30 kgs of Ganja from their possession of the accused. Hence, the case.

<https://www.hc.madras.gov.in/judis>



3. The learned counsel appearing for the petitioner would submit that based on the confession statement made by the accused person, the petitioner has been implicated as an accused, and he further submitted that the petitioner is inside for the past 22 months and without granting bail to the petitioner, he would not be able to defend his case properly.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that so far, the prosecution examined P.W.1 to P.W.3 and there is incriminating evidence available in order to connect the petitioner.

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

6. It is seen that all the accused persons were in combined possession of contraband weighing 30 kgs of Ganja and that apart, the trial Court is going to complete the investigation by examining two more witnesses on the side of the prosecution. The petitioner also failed to make out a *prima facie* case in order to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, the trial Court is directed to complete the trial within a period of six weeks from the date of receipt of a copy of this order.

sd/-
14/03/2023

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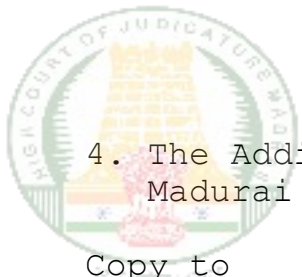
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PS

TO

1. The Principal Special District Sessions Judge,
EC and NDPS Court,
Madurai.
2. The Superintendent,
Central Prison, Madurai.
3. The Inspector of Police,
Mathichayam Police Station,
Madurai City.

<https://www.mhjudiciary.org>



4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

1. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.
2. The Additional Registrar General,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.4476 of 2023
Date : 14/03/2023

NA/MMS/SAR-3/20.03.2023/3P/7C