



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/03/2023
PRESENT

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

CRL OP(MD) . No.5058 of 2023

Surya @ Soorya

... Petitioner/Accused 5

Vs

The State rep.by
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
Cr.No.337/2022.

... Respondent/Complainant

For Petitioner : M/s.HAROON RASHEED D.S.,
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.337/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 03.10.2022 for the offences punishable under Sections 147, 148, 294(b), 353, 307 and 506(ii) of IPC, Section 25(1A) of Arms Act, 1959 and Sections 8(C) and 20(b)(ii)(A) of NDPS Act @ 147, 148, 294(b), 353, 307 and 506(ii) of IPC, Section 25(1A) of Arms Act, 1959 and Section 8(C) and 20(b)(ii)(C) of NDPS Act in Crime No.337 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.10.2022 at about 05.30 hours, based on the secret information received by the Sub-Inspector of Police, the respondent police went to the place and one Sureshkannan was found in possession of 500grams of Ganja and 6 aruval and the same was recovered from him. Further investigation, the Ganja weighing 24.50kgs was recovered from the accused by the respondent police. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is arrayed as A5 in this case. Even according to the case of the prosecution, A1 to A7 were found in possession of 500grams of Ganja. The respondent police had not filed any application for custodial interrogation within 15 days and they filed a petition after a lapse of 15 days and the same was dismissed by the learned



Magistrate. Aggrieved by the same, they approached this Court for revision and the same was allowed. Thereafter, only on the confession of the petitioner, they recovered contraband weighing 24.50kgs. In fact prior to this case, the petitioner filed a petition for not to harass before this Court in Crl.O.P.(MD)No.16075 of 2022 as against the respondent herein. Therefore, in order to wreck vengeance as against the petitioner, the respondent registered an FIR in Crime No.337 of 2022, in which, the petitioner was granted bail. Thereafter, the present case has been foisted as against the petitioner.

4.The learned Additional Public Prosecutor would submit that only on his confession, the contraband weighing 24.50kgs of Ganja was recovered and it is a commercial quantity. So far as the petitioner is concerned, he involved in one previous case for the offence under Section 307 of IPC.

5.Admittedly, on the confession statement of the petitioner, there was recovery weighing 24.50kgs of Ganja, which is a commercial quantity.

6.Considering the above facts and circumstances of the case and also the fact that the petitioner has also failed to fulfil the twin conditions as contemplated under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

7.Hence, this Criminal Original Petition is dismissed.

sd/-

21/03/2023

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/04/2023

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

SJI

TO

1 THE SUPERINTENDENT, CENTRAL PRISON, TIRUNELVELI.

2 THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION, TENKASI DISTRICT.

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

ORDER IN

CRL OP(MD) No.5058 of 2023

Date :21/03/2023

SA/CG/SAR.4/05.04.2023/2P/4C

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