



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

Date : 17/04/2023

PRESENT

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

CRL OP(MD). 6606 of 2023

WEB COPY

G.Anthoni Pitchai

... Petitioner/Accused No.1

Vs

The State through the Inspector of Police,
NIB-CID Police, Thoothukudi District.
In Crime No.18 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Chandrasekaran, Senior counsel
for Mr.S.Sureshkumar, Advocate

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

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

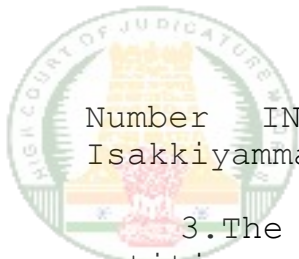
PRAYER :-

For Bail in Crime No.18 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 08.10.2021 for the offences punishable under Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of NDPS Act, 1985 in Crime No.18 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 08.10.2021 at about 04.30 hours based on the secret information, the 'Q Branch' police went to raid Santhiyappar Kovil Seashore area in Tharuvaikulam. At that time, the 'Q Branch' police saw a Blue color Vallam boat named as "D PERIL" bearing Registration No.IND-TN-12-MO-2669 standing in a suspicious manner in the seashore. On seeking the 'Q Branch' police, four persons tried to escape from the scene of occurrence, but the 'Q Branch' police apprehended them namely Accused No.1/Anthoni Pitchai, A2/Leniston, A3/Jeyaston and A4/Selvaraj. On search, the 'Q Branch' police found 530KG of Ganja in the above said Blue color Vallam Boat in 15 white color gunny bags. Thereafter, the 'Q Branch' police handed over the Accused No.1 to 4 along with contraband in 15 bags and 3 mobile phones to the respondent police. A1 to A4 were arrested along with contraband. During investigation, it reveals that A5 also involved in the said crime along with other accused. Further, the Blue color Vallam boat named as "D PERIL" bearing Registration No.IND-TN-12-MO-2669 is the petitioner herein and he misused the Registration



Number IND-TN-12-MO-2669, which stands in the name Isakkiyammal, W/o.Murugesan. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is arrayed as A1. Even according to the confession statement recorded from A1/petitioner herein, he was instructed to transport the contraband weighing 530kgs to Srilanga. Therefore, with the help of A2 to A4, he had transported the Ganja to Strilanga. After journey of two hours, they found that the boat was broken. Since the water had flown into the boat, they return to seashore, where the respondent caught red-handed the accused persons and registered FIR. The petitioner did not even involved any case so far. It is the first case. He is also suffering from stomach ache and he needs emergent medical attention.

4.The learned Additional Public Prosecutor submitted that investigation completed and charge sheet has also been filed before the NDPS Court, Madurai, in CC.No.331 of 2022 and the case was posted for trial.

5.On perusal of the charge sheet filed by the respondent revealed that the petitioner along with three others were found in possession of contraband weighing 530kgs of Ganja. That too, at the time of 'Q Branch' Police were in surveillance, where the accused persons were standing suspicious manner in the boat bearing registration No.IND TN 12 MO 2669. On verification, it was found that the said boat's registration number was also duplicate and the said boat was owned by one Isakkiyammal, W/o Murugesan. She was enquired and stated that she had already sold away her boat to third party. Therefore, the petitioner along with other accused persons were conscious and constructive possession of contraband weighing 530kgs of Ganja and it is the commercial quantity. The learned counsel for the petitioner mainly rely upon the confession statement of A1. However, it is not evidencible value and further, the case is posted for trial. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, if the petitioner needs any medical attention for his stomach ache and other ailments, the jail authorities is directed to give proper treatment to the petitioner.

sd/-

17/04/2023

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/04/2023

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

rmk



TO

1. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

2. THE INSPECTOR OF POLICE,
NIB-CID POLICE, THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.6606 of 2023

Date :17/04/2023

RK/BUC/SAR-3 (25/04/2023) 3P/4C