



WEB COPY

CRL OP(MD)



23

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)No.6169 of 2023

Marimuthu ... Petitioner/Accused No.8
Vs

The State represented by
The Inspector of Police,
Town West Police Station,
Thanjavur.
(In Crime No.294/2023)

... Respondent/Complainant

For Petitioner : Mr.A.Azhageson, Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

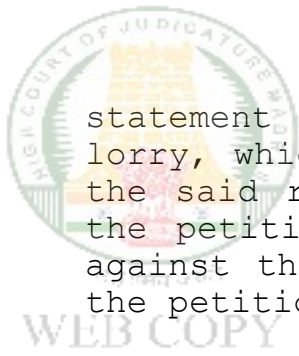
For Anticipatory Bail in Crime No.294 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A8, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(C), 25 and 29(2)(a) of NDPS Act, 1985 in Crime No.294 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information, the defacto complainant and other police officials went for vehicle check up at Thanjavur Kodiamman Kovil. At that time, one Taras Lorry bearing Reg.No.TNj-76-AV-5563 came and on search, it was found that 140 polythene bags contained two kgs of ganja and totally weighing 280 kgs of ganja. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been implicated only based on the confession
<https://www.hc.madras.gov.in/judges>



statement of the co-accused. The petitioner is the owner of the lorry, which was allegedly seized by the respondent police. Except the said relationship, there is no material in order to implicate the petitioner as an accused. There is no previous case pending against the petitioner. Hence, he prayed for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner in all occasions went in lorry in order to purchase ganja from Andhra Pradesh and there were call details between A1, A2 and the petitioner herein. Therefore, there are materials to connect the petitioner herein in this case. Hence, he prayed for dismissal of this petition.

5. Heard both sides and perused the materials available in the record.

6. It is seen that the petitioner's lorry was used for transportation of ganja and hence, custodial interrogation of the petitioner is very much required in this case. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
17/04/2023

/ TRUE COPY /

/05/2023

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

gns

TO

1. THE INSPECTOR OF POLICE,
TOWN WEST POLICE STATION,
THANJAVUR.

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

ORDER
IN
CRL OP(MD) No.6169 of 2023
Date :17/04/2023

RK/VR/SAR- (30/05/2023) 3P/3C