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Crl.O.P(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). Nos.6873 and 6874 of 2023

R.Rajapandi

... Petitioner/Accused 2
in Crl.O.P(MD).No.6873 of 2023

Cliff Augustine Rowe

... Petitioner/Accused 3
in Crl.O.P(MD).No.6874 of 2023

Vs.,

The State rep., by
The Inspector of Police,
Kodaikanal Police Station,
Dinidigul District.
(Crime No.311/2022).

... Respondent/Complainant
in both cases

In both cases:-

For Petitioner : Mr.U.ANTONY SANTHOSH, Advocate
For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

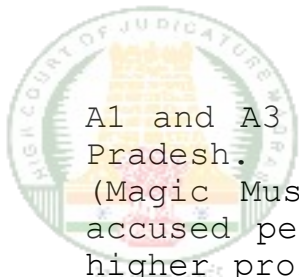
COMMON PRAYER :- For Bail in Crime No.311/2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A2 & A3 who were arrested and remanded to judicial custody on 19.11.2022 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B), 22(C), 25, 21 and 29(i) of NDPS Act 1985 in Crime No.311 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 19.11.2022 at about 10.30 hours, based on the secret information, the respondent police mounted on surveillance near Kalaiararam bus stop at Kodaikanal, at that time, the respondent police saw three persons were standing in a suspicious manner with a brown colour plastic cover. On seeing the respondent police, the accused persons tried to escape from the scene of occurrence. But, the respondent police surrounded and apprehended the accused persons namely A1 Santhosh, A2 Rajapandi and A3 Cliff Augustine. During enquiry, it was revealed that all the accused persons are selling Ganja to the tourist person. Further,

<https://www.mhc.tn.gov.in/judis>



A1 and A3 used to purchase Ganja through petitioner/A2 from Kerala Pradesh. The accused persons also used to take psilocybin mushroom (Magic Mushroom) from the nearest forest area and thereby, these accused persons sell it in retail at Kodaikanal tourist places for higher profit. On search the respondent police found possession of 1.100kg of Ganja and 100 grams of Psilocybin mushroom in brown plastic cover. After completing the formalities contemplated under NDPS Act the respondent police found all these three accused persons had knowledge about the possession of contraband and they were arrested along with contraband. Hence, the case.

3. Heard the learned counsel on either side and perused the entire materials available on record including the First Information Report.

4. All the accused were in constructive and conscious possession of 1.100kgs of Ganja and 100grams of Psilocybin mushroom, which is the commercial quantity. That apart, this Court had already dismissed the bail applications filed by the petitioners in Crl.O.P. (MD) Nos. 2719 and 2729 of 2023, dated 10.03.2023. Since there is no change in circumstances, this Court is not inclined to grant bail to the petitioners.

5. Accordingly, this Criminal Original Petition is dismissed.

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 INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINIDIGUL DISTRICT.

2 THE OFFICER INCHARGE, SUB JAIL, PALANI.

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

ORDER IN

CRL OP(MD). Nos. 6873 & 6874 of 2023
Date : 17/04/2023

SA/VR/SAR.3/27.04.2023/2P/4C