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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/06/2023

PRESENT

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

CRL OP(MD) . No.7500 of 2023

Pandiyaraj

... Petitioner/Accused No.6

Vs

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

... Respondent/Complainant

For Petitioner : Mr.C.Jeganathan, Advocate.
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

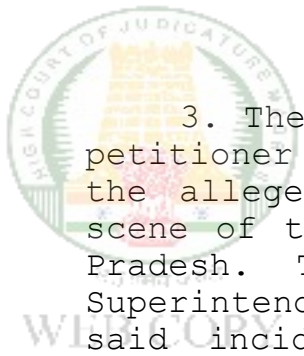
For Anticipatory Bail in Crime No.294 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.6, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(II)(C), 25, 29(2)(a) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.294 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that, on the basis of the secret information, she went to the occurrence place ie., near Karanthaikodi Amman Temple, the informer identified the vehicle bearing Registration No.TN-76-AV-5563 and the persons, who drove the vehicle. The police party arrested A.1 and A.2 and searched the said lorry, and they found 7 white bags of ganja containing 2 kilograms per bag of 140 bags and a total weight of 280 kilograms seized from the said lorry and the respondent police got the confession statement from A.1 and A.2 wherein it is alleged that Accused Nos.3 to 6 helped for purchasing ganja from A.7 and A.8 and A.8 is the owner of the vehicle. A.5 is the brother of the petitioner/A.6. Hence, the complaint.

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3. The learned counsel for the petitioner would submit the petitioner is working in the Army in Andhra Pradesh. On the date of the alleged occurrence, namely on 06.03.2023, he was not at the scene of the crime and he was in the working place, namely Andhra Pradesh. The Army Officer also sent a communication to the Superintendent of Police, Thanjavur stating that at the time of the said incident as on 06.03.2023, the petitioner was physically present in that unit and performing assigned military duties. Only because the petitioner happens to be the brother of A.5, he has been falsely roped into this crime.

4. The learned Additional Public Prosecutor appearing for the respondent filed a counter-affidavit and submitted that the petitioner is arraigned as A.6. The contraband was seized from the first accused weighing 280 kgs of Ganja. There are call details between the petitioner and A.1, A.4 and A.7. The petitioner only helped to purchase the contraband with the other accused persons, who are residing in Andhra Pradesh and prayed for dismissal of the anticipatory bail petition.

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

6. There are totally eight accused, in which, the petitioner is arraigned as Accused No.6 and he is the brother of A.5. The petitioner only helped to purchase the contraband with the other accused persons, who is residing in Andhra Pradesh. There are call details between the petitioner and A.1, A.4 and A.7. That apart, the petitioner was also involved in another two cases in Crime No.1 of 2023 on the file of NIB CID, Sivagangai and in Crime No.71 of 2023 on the file of the Prohibition Enforcement Wing, Thanjavur. Therefore, the custodial interrogation of the petitioner is very much required. The learned counsel appearing for the petitioner submitted that though the F.I.R has been registered, his name was not found in the F.I.R. However, the learned Additional Public Prosecutor would submit that the petitioner's involvement is there, and he has been arraigned as an accused in the F.I.R. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-

08/06/2023

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

PS

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TO

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

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

+1. CC to C.JEGANATHAN, Advocate, SR.No.27526[F] DATED 12.06.2023

ORDER

IN

CRL OP(MD) No.7500 of 2023

Date :08/06/2023

RS/VR/SAR-(13.06.2023) 3P 4C