



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2023

PRESENT

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

CRL OP(MD) . No.9832 of 2023

Vijay ... Petitioner/Accused No.5

Vs

State represented by,
The Inspector of Police,
Sedapatty Police Station,
Madurai District.
(Crime No.123 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Sugadev T,
Advocate.

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

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

PRAYER :-

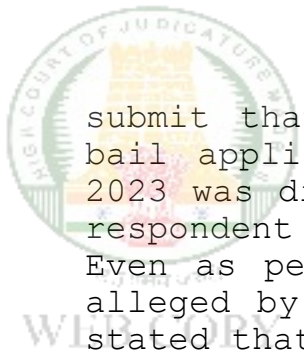
For Bail in Crime No.123 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused No.5, who was arrested and remanded to judicial custody on 10.10.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act in Crime No.123 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 24 kgs of Ganja. Hence, the case.

<https://www.mhc.tn.gov.in/judis3>. The learned counsel appearing for the petitioner would



submit that this is the second bail application and earlier bail application filed by the petitioner in Crl.O.P(MD)No.3945 of 2023 was dismissed on 20.03.2023. He further submitted that now the respondent completed the investigation and filed a final report. Even as per the final report, there is absolutely no material, as alleged by the prosecution, as against the petitioner. Though they stated that Call Data Records and call details of the petitioner had been verified and he had spoken to other accused persons, no documents have been produced by the prosecution.

4. The learned Additional Public Prosecutor appearing for the respondent also produced the list of pre-paid Customer Application Form, in which, it revealed that the petitioner only purchased the sim card.

5. Heard. Perused the materials available on record including the First Information Report.

6. On perusal of the charge-sheet revealed that L.W.24/one Chandramouli categorically stated about the involvement of the petitioner in this case. That apart, the petitioner also went to Andhra Pradesh before the date of occurrence and even after the date of occurrence and there are Call Data Records and call details. Therefore, the grounds raised by the petitioner can be considered only during the trial and not in the bail application. Therefore, this Court finds no change in circumstances in order to consider the application for bail.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
14/06/2023

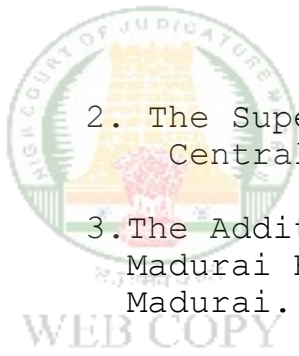
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/ 06 /2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PS

TO

1. The Inspector of Police,
Sedapatty Police Station,
Madurai District.



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2. The Superintendent,
Central Prison, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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ORDER

IN

CRL OP(MD) No.9832 of 2023

Date :14/06/2023

RD/AR (21/06/2023) 3P 4C