



WEB COPY

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.9455 of 2023

R.Shanmugaprabhu

... Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
Subramaniyapuram P.S.
Madurai District.
Crime No.1453 of 2020

... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu,
Senior Counsel
for M/S.Manimaran.NA.

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.1453 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 28.04.2023 for the offence under section 8(c) r/w 20(b)(ii)(C), 25 and 29(i) of NDPS Act in Crime No.1453 of 2020 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 10.11.2020, at about 14.15 hours, based on the secret information, the respondent police conducted vehicle check up at Muthupatti to Avaniyapuram road, near Yohavinayakar Street. At that time, they stopped lorry bearing Reg.No.TN-38-BC-2506 and searched the vehicle. It was found that ganja was illegally transported. Hence the case.

<https://www.judicial.gov.in/>



3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that the petitioner was originally granted default bail in this case. After completion of investigation, the respondent police filed final report and the same has been taken cognizance in C.C.No.244 of 2021. Before the trial Court one and another accused repeatedly absent and as such, non-bailable warrant was issued repeatedly. Therefore, the trial has not been commenced till today. Insofar as the petitioner herein is concerned, he was absent on 15.10.2022 and hence, the trial Court issued non-bailable warrant. While NBW is pending, again the petitioner involved in similar offence and case was also registered in Cr.No.38 of 2023 by the Kulathur Police Station and he was arrested and remanded to judicial custody and thereafter, NBW was executed.

5. It is apparent that while NBW was pending, the petitioner involved in the very same offence. Therefore, if the petitioner let out on bail, he will involve in similar offence and hence, this Court is not inclined to grant bail to the petitioner.

6. In the result, this criminal original petition is dismissed.

sd/-
08/06/2023

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/06/2023

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

gns

TO

1. THE OFFICER IN CHARGE,
DISTRICT PRISON, PERURANI,
THOOTHUKUDI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
SUBRAMANIPURAM P.S. MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9455 of 2023
Date : 08/06/2023

RK/SSS/SAR- (15/06/2023) 2P/4C

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