



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.9847 of 2023

WEB COPY

Sundarraaj

... Petitioner/Accused No.4

Vs

The State Rep.by

The Inspector of Police,

Batlagundu Police Station,

Dindigul District.

Crime No.142 of 2023.

... Respondent/Complainant

For Petitioner : Mr.V.S.ARIHARASUDHAN
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

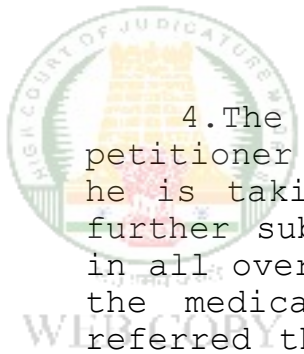
For Bail in Crime No.142 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 28.03.2023 for the offences punishable under Section 8(c) r/w 20(b)(ii)(C), 29(1) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.142 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 28.03.2023 at about 11.45 hours, based on the secret information received by the Sub-Inspector of Police, he along with the police party went to the opposite of Naveen Bakery at Theni to Dindigul Bye-pass Road and on seeing the police party, the petitioner/accused and other accused attempted to escape. The respondent police nabbed the petitioner and other accused and enquired them, they were found to be in joint possession of 22kgs of Ganja. The said contraband was seized by the respondent police and sample has also been taken. Hence, the complaint.

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



4.The learned counsel for the petitioner would submit the petitioner is a daily coolie and he is a kidney failure patient and he is taking dialysis treatment for the past two years. He would further submit that even at the time of arrest, there was swelling in all over the body of the petitioner due to the renal failure. So, the medical officer of the Central Prison, Madurai immediately referred the petitioner to the Rajaji Government Hospital, Madurai for casualty/Nephrology O.P. The petitioner is still patient in Madurai Central Prison Hospital. The petitioner is undergoing weekly kidney dialysis in Nephrology ward in the Rajaji Government Hospital till now.

5.On perusal of the records, it revealed that A1 to A4 were in possession of contraband weighing 22kgs of Ganja and also recovered Rs.3,00,000/- from the second accused. That apart, the petitioner was taking dialysis treatment, due to the kidney failure. Now he is in prison and he is undergoing weekly kidney analysis. That apart, the petitioner has failed to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act. Hence, this Court is not inclined to grant bail to the petitioner.

6.In the result, this petition stands dismissed.

sd/-

14/06/2023

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/ 07 /2023

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

SJI

TO

1. The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
2. The Superintendent, Central Prison, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.9847 of 2023

Date :14/06/2023