



WEB COPY

Crl.OP(MD)

23



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 28/06/2023

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.11453 of 2023

1.Kubendiran

2.Mayee

: Petitioners/A5 & A6

Vs.

The State rep. By
The Inspector of Police,
Austinpatti Police Station,
Madurai District.

(Crime No.67 of 2022)

: Respondent/Complainant

For Petitioners : Mr.K.Gunasekara Pandian

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.67 of 2022 on the file of the Respondent Police.

ORDER:- The Court made the following order:-

The petitioners, who are arrayed as A5 and A6 were arrested, on 27/03/2022 and 29/03/2022 respectively and remanded to judicial custody for the alleged offences punishable under sections 8(c) r/w 20(b)(ii)(c), 25 and 29(1) of NDPS Act, in Crime No.67 of 2022, seek bail.

2.The case of the prosecution is that on 24/03/2022 at about 01.00 pm, on secret information, the de-facto complainant along with police party conducted vehicle check up near Uchapatti Temple, at that time, the Car bearing registration No.TN-02-H-1008 was intercepted and four persons were found in the vehicle. On search, they were found in possession of 322 kgs of ganja. Based upon that, further process was undertaken.



3. Seeking bail, this petition came to be filed by the petitioners, who are arrayed as A5 and A6.

4. Heard both sides.

5. The earlier application filed by the petitioners has been dismissed by this court on the ground that *prima facie* materials have been collected during the course of investigation against the petitioners in the form of call registers. This petition has been filed on the ground that while dismissing the earlier application, this court directed or given liberty to the petitioner to approach the concerned trial court for bail.

6. According to the petitioners, they approached the trial court by filing Crl.MP No.713 of 2023 seeking regular bail and that was dismissed, by order, dated 20/04/2023. According to them, they are in custody ever-since from the date of their arrest and except the confession statement of A4, no other materials have been collected during the course of investigation for implicating them.

7. But as mentioned in the earlier order, materials have been collected in the form of call records that there was frequent contact between the petitioners and the co-accused. Huge quantity of contraband was involved and that too transportation or smuggling the same to foreign countries.

8. When serious offence has been made out, unless the petitioners satisfy the requirements of section 37 of NDPS Act, they are not entitled for any bail. Even now, except stating that, no other material has been collected during the course of investigation. No new ground worth considering has been made out by the petitioners. Even though, they are in custody ever-since from the date of their arrest, considering the quantity involved and that too international smuggling, this court is not inclined to grant bail to the petitioners.

9. In the result, this criminal original petition is **dismissed**.

sd/-

28/06/2023

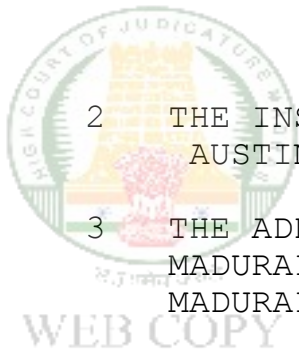
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/07/2023

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

TO

1 THE SUPERINTENDENT
CENTRAL PRISON
MADURAI.



Crl.OP(MD)



23

2 THE INSPECTOR OF POLICE
AUSTINPATTI POLICE STATION, MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.11453 of 2023

Date :28/06/2023

DL/(06.07.2023)/ 3P/4C