



Crl.OP(MD)No.12516 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 01/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.12516 of 2023

C.Allwin

: Petitioner/ Accused No.4

Vs.

State represented by
Inspector of Police,
NIB CID,
Thoothukudi District.
(Crime No.03 of 2022)

: Respondent/ Complainant

For Petitioner : Mr.Na.Manimaran, Advocate

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

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

PRAYER:- For Anticipatory Bail in Crime No.3 of 2022 on the file of the respondent police.

ORDER: The Court made the following order:-

The petitioner/ A4 apprehends arrest at the hands of the respondent police for the offences punishable under sections 8(c) r/w 20(b),(ii)(C) and 25 of the NDPS Act



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Crime No.03 of 2022 on the file of the respondent police, seeks anticipatory bail.

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2.The case of the prosecution is that the de-facto complainant is the Inspector of Police working in the Crime Division of Vilathikulam Police Station. As routine patrolling duty, on secret information, they went to Vaipar to Keela Vaipar road. At that time, they found a four wheeler bearing registration No.TN-09-CB-8929 parked. Two persons were standing near the above said vehicle. On seeing the police team, they tried to escape and also escaped from that place. On search of the vehicle, they found 76 kgs of Ganja worth about Rs.7,60,000/-. Samples were taken as per the procedure. On the basis of the above said occurrence, a case in Crime No.03 of 2023 was registered for the offences stated above.

3.During the course of investigation, the involvement of four persons came to light. Among four persons, A1 to A3 were arrested and remanded to judicial custody on 31.08.2021. So far as this petitioner is concerned, he has been arrayed as A4, found absconding. So the investigation is not yet over.

4.The learned counsel appearing for the petitioner would rely upon the bail

<https://www.mhc.tn.gov.in/judis>



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order, that was granted in favour of A3 in Crl.OP(MD)No.6147 of 2022, since in the above said order, it was noted that the investigation was transferred to NIB CID and final report has been filed in CC No.56 of 2022. Considering the fact that A1 and A2 granted bail, the application that was filed by A3 was considered.

5. So the question, which arises for consideration is whether the above said ground can be extended to this petitioner.

6. Seeking anticipatory bail, this petition has been filed on the ground that he was not present in the place of occurrence. Only on the basis of the confession statement of the co-accused, he has been implicated. The petitioner has also produced the order copy in Crl.OP(MD)No.3424 of 2022 filed by A1 and A2, wherein they were granted regular bail. Similarly, A3 has also been granted bail in Crl.OP(MD)No.6147 of 2022.

7. By pointing out this order, it has been submitted that since the co-accused has been arrested and released on bail and investigation is also almost over, no custodial interrogation is required so far as this petitioner is concerned.



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8.It is a case of commercial quantity, unless the petitioner is able to satisfy the requirement under section 37 of the NDPS Act, he is not entitled for any relief. The regular bail that was granted to the co-accused will not enure to the benefit this petitioner.

9.From the perusal of the records, it is seen that as per the case of the prosecution, only this petitioner alleged to have arranged the purchase of the contraband and later, purchased the same and transported. Only at that time, the above said car was intercepted.

10.Even the petitioner is not having any previous bad antecedents, since serious allegation has been made to the effect that the attempt made by the petitioner along with the co-accused to smuggle the contraband to Srilanka, unless the petitioner is subjected to custodial interrogation, the truth will not come out.

11.Considering the seriousness of the allegation, this court is not inclined to grant anticipatory bail to the petitioner, since the grounds mentioned in the petition are not sufficient enough to satisfy the requirement.



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

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01/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1.The Inspector of Police,
NIB CID,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.12516 of 2023
Date :01/08/2023

RK /VR(14/08/2023) 5P / 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023