



CRL OP(MD). No.12663 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12663 of 2023

Ashok

... Petitioners/ Accused No.1

Vs

State represented by
The Inspector of Police,
NIB CID,
Thoothukudi District.
Crime No.33 / 2018.

... Respondent/ Complainant

For Petitioners : M/s.S.Jeyakumar, 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.33/2018 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused, apprehending arrest at the hands of the respondent

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police for the alleged offence punishable under Sections 8(c) read with 21(b) and 29(1) of NDPS Act, in Crime No.33 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 26.07.2018, the respondent went to the house of the second accused and seized Hasish Oil weight about 1.130 kgs and got confession stated. In the confession statement, the second accused had stated that the petitioner herein had handed over the contraband to him, to keep in his house. Therefore, a complaint has been registered against the petitioner herein.

3. The petitioner is facing charges under Sections 8(c) read with 21(b) and 29(1) of NDPS Act. He was directed to execute bond as per Section 437(A) of Cr.P.C., with two sureties, for like sum. Because of his old age and ailments, he was not able to appear before the Court on 07.03.2023. Hence he has filed a petition under Section 317 of Cr.P.C., for condoning his absence. That was dismissed and warrant was also issued. On that account, this petition has been filed.

4. Per contra, the learned Additional Public Prosecutor, would submit that after



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completion of trial process, the case was posted for defence side witness and periodically it was adjourned. The second accused is in custody. In spite of repeated adjournments defence could not produce any witness and finally D.W.1 was examined and posted for cross and further witness. D.W.1 was also cross examined. Thereafter also they failed to examine further witnesses. After examination of D.W.2, however, the case was posted for arguments. Thereafter, also no co-operation. Final chance was given to the accused. Thereafter, this petitioner filed a petition under Section 309 of Cr.P.C., seeking adjournment. Taking note of the attitude of the accused warrant was issued on 07.03.2023. Seeking anticipatory bail this petition came to be filed.

5. It is also further seen that surety action has been taken against the petitioner's surety and amount was also recovered. Having failed to co-operate to complete the process of trial, this petition has been filed.

6. Considering the facts and circumstances of the case, it is seen that it is a clear case of abuse of process of law and the petitioner does not deserve any concession from this Court. The petitioner is directed to surrender before the respondent police or before the concerned Court and seek regular bail.



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7. With the above observations, this Criminal Original Petition is dismissed.

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/07/2023
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.12663 of 2023
Date :13/07/2023

RK/DD (28/07/2023) 4P /3 C

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