



Crl.OP(MD)No.12800 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 20/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.12800 of 2023

Karthikeyan @ Karthik

... Petitioner/ Accused No.5

Vs.

The State rep. by its
The Inspector of Police,
NIBCID Police Station,
Sivagangai District.
(Crime No.1 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.B.Jameelarasu, Advocate

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

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

PRAYER:-For Bail in Crime No.1 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner/A5 was arrested and remanded to judicial custody, on 30/01/2023 for the offences punishable under section 8(c) r/w 20(b)(ii)(c), 25 and 29

(1) of NDPS Act and section 468, 471 and 420 IPC, in Crime No.1 of 2023 on the file

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



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of the respondent police, seeks bail.

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2.The case of the prosecution is that the de-facto complainant, on secrete information along with the other police team, went to the place of occurrence. The police informer identified the white colour Car bearing registration No.TN-01-AY-3129. When the Car was intercepted by the police team, two persons were available. When they were enquired, they disclosed their name. Search was made and they were found in possession of 10 bags of dry ganja and 4 number plates found in the car. Further process were undertaken as per the rules and the accused were arrested on the spot. Later FIR was registered as stated above.

3.During the course of the investigation, the involvement of the petitioner came to light. The petitioner was arrested and remanded to custody, on 30/01/2023 and ever-since, he is in custody.

4.Seeking bail, this petition has been filed by the petitioner solely on the ground that except the confession statement of the co-accused, no other material has been collected to implicate him; There are corrections and manipulations in the FIR; had it been disclosed by the occupants of the above said car about the involvement of this petitioner, the contents of the FIR must disclos the same. But the contents does not indicate the involvement of this petitioner. According to the learned counsel appearing for the petitioner, this is nothing, but fabricated document. How



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the name of the accused is also mentioned in the 7th column must be explained by the prosecution in a convincing manner.

5.To this argument, the learned Additional Public Prosecutor would submit that originally the team intercepted the above said vehicle and at that time, they disclosed their name. Mahazar was prepared and arrested in the spot itself. They returned to the police station and thereafter, only the statement of the accused was recorded. At that time only, they disclosed the name of other persons. So, FIR was prepared including their name in the 7th column. According to him, no unusual happened in the above said process.

6.No doubt, they are some corrections in the FIR with regard to the date, time, etc. These things can be verified only during the course of trial process, how this correction has been made and if any impact upon the seizure and recovery.

7.The next ground is that even as per the allegation that was made by the prosecution based upon the confession statement of the co-accused, only 16 kgs has been recovered from the possession of the petitioner.

8.Perusal of the CD file shows that it is an interstate Ganja Trading and the co-accused used to purchase Ganja from Andhra Pradesh, transporting the same to Tamil Nadu and distributing the same to several persons. During the transport, another accused namely one Gopi was arrested by the Chennai Police. After the



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separation of 200 kgs of Ganja, this petitioner and other accused namely Antohy and Arulmurugan travelling in another Inova car. They were also intercepted by the police and arrested. So, reading of the above said CD file shows that it is a large scale team work, which continuously involved in interstate smuggling.

9. When large scale network is involved in the Ganja Trading, no ground of period of incarceration will not help the petitioner in getting the bail. The trial process must be taken to its logical conclusion. If the people like the petitioner is released on bail, there is no guarantee that they will not commit the similar nature of offence in future. I find no material in this petition.

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

sd/-
20/07/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER
TO

1 THE INSPECTOR OF POLICE
NIBCID POLICE STATION,
SIVAGANGAI DISTRICT.



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2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

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

ORDER
IN
CRL OP(MD) No.12800 of 2023
Date :20/07/2023

PKP/MR/SAR- /29.07.2023/ 5P/ 4C

Madurai Bench of Madras High Court is issuing certified
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