



CRL OP(MD). No.12792 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.12792 of 2023

Manohar

... Petitioner/6th Accused

Vs

State, represented by SHO
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.142 of 2023).

... Respondent/Complainant

For Petitioner : Mr.Muniyandi S,
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.142 of 2023 on the file of the respondent Police



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ORDER : The Court made the following order :-

The petitioner/ 6th accused herein, who was arrested on 14.04.2023 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(C), 29(1), 25 of NDPS Act, in Crime No.142 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the accused persons were found in possession of 22 kgs of ganja. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent person and he was falsely implicated in this case and he has not committed any offence as alleged by the prosecution. Further, he would submit that only on the basis of the confession statement of the co-accused, this petitioner has been implicated in this case. Admittedly, this petitioner was not present in the place of occurrence as per the allegation made in the First Information Report.

4.The learned Additional Public Prosecutor submitted that based upon the confession statement of the co-accused, it came to light that this petitioner, who



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belongs to the Andra Pradesh has supplied the contraband to other co-accused and from Andra Pradesh, the above said contraband has been purchased from the co-accused and transported to Tamil Nadu. On that ground, the above said petitioner was arrested. The petitioner has involved in Cr.No.89 of 2020 for the offences punishable under Section 8(c) r/w 20(b)II(B) NDPS Act.

5. Considering the fact that even though the learned counsel for the petitioner would submit that no recovery has been made from this petitioner and only on the confession statement of the co-accused, this petitioner has been implicated in this case, the petitioner has involved in previous case in similar nature, this Court is of the view that if he is released on bail, he may abscond or indulge in similar kind of activities. More over, the petitioner has not satisfied the requirement under Section 37 of NDPS Act. In view of the above, the petitioner is not entitled to get any discretionary relief from this Court.

sd/-

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/08/2023

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

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- 1.THE OFFICER IN CHARGE,
DISTRICT JAIL,
DINDIGUL.
- 2.THE INSPECTOR OF POLICE,
SHO
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12792 of 2023
Date :13/07/2023

RK/MMS (04/08/2023) 4P /4 C

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