



CRL OP(MD). No.13112 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13112 of 2023

Alagu

... Petitioner/ Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Natham Police Station,
Dindigul District.
(Crime No.71 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Balaji.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.71 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A3, who was arrested and remanded to judicial custody on 20.02.2022 for the offences punishable under Section 8(c) r/w Section 20(b)(ii)(C), 25 and 29(1) of NDPS Act in Crime No.71 of 2022, seeks bail.



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2.The case of the prosecution is that on 19.02.2022 at about 23.00 hours, on secret information, the respondent police conducted a vehicle checkup at Senthurai Junction. At that time, the accused persons coming in the car bearing Reg.No.TN-57-BF-3861 and on seeing the respondent police, the accused persons attempted to escape, but the respondent police nabbed the accused persons and found that they were in joint possession of 140kgs of Ganja and the said contraband was seized. Hence, the case.

3.This is the fifth application for bail and the earlier applications for bail in Crl.O.P.(MD)Nos.23087 of 2022, 4819, 6915 and 9197 of 2023 were dismissed by this Court on 02.01.2023, 15.03.2023, 17.04.2023 and 01.06.2023. Since the petitioner is not having any previous case at his credit and there is no connecting materials to implicate the petitioner to the crime, except the confession statement of co-accused, hence this petition has been filed.

4.The learned Additional Public Prosecutor would submit that in this case charge sheet has been filed before the concerned Court in C.C.No.601 of 2022 and copies were furnished to the accused persons. Due to absence of two accused persons, the trial could not be proceeded. There is no change in circumstances.

Hence, prays to dismiss the petition.



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5.The contention of the petitioner that he was implicated only as per the confession statement of co-accused and there was no other materials to connect the petitioner to the crime and the FIR itself is improbable and unbelievable, since it was stated that the petitioner escaped from the occurrence spot and within four hours he was secured. The above contentions are to be considered at the time of trial only.

6.Considering the commercial quantity involved in the case and vehement objection raised by the respondent, this Court is of the view that if the petitioner is released on bail, he may abscond and hamper the trial. Hence, this court is not inclined to grant bail to the petitioner, though this is the fifth petition for bail.

7.Accordingly, this Criminal Original Petition stands dismissed. However, a direction is issued to the learned Judge, Principal Special Court for EC & NDPS Act Cases, Madurai to complete the trial process in CC 601 of 2022, by splitting up against the accused persons, who are all regularly appearing before the Court.

sd/-

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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 JUDGE, PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT CASES,
MADURAI
- 2.THE SUPERINTENDENT,
CENTRAL PRISON ,MADURAI.
- 3.THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.13112 of 2023

Date :19/07/2023

RK/BUC (25/07/2023) 4P / 6C

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