



Crl.OP(MD)No.13441 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.13441 of 2023

Mathankumar

... Petitioner/ Accused No.2

Vs.

State rep. by
The Inspector of Police,
Pudukkottai P.E.W Police Station,
(In Crime No.1157 of 2022)
Pudukkottai District.

...Respondent/ Complainant

For Petitioner : Mr.A.Prasanna Rajadurai, 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.1157 of 2022 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner/A2 was arrested and remanded to judicial custody, on 26/12/2022 for the offences punishable under section 8(c) r/w 20(b)(ii)(c) and 25 of NDPS Act, in Crime No.1157 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of a secret information, the

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respondent police team conducted an inspection at Pudukkottai Bus Stand. At that time, the accused were standing in a suspicious manner in the Bus Stand. On search, they were found in possession of 20.750 kgs of Ganja. Further process was undertaken as per the procedure and rules. The petitioner was arrested on 26/12/2022 on the spot. Later FIR was registered as noted above.

3.Heard both sides.

4.This is the third bail application. The first one was dismissed, on 17/04/2023. Wherein, it has been stated that along with A1, he was found in possession of 20.250 kgs of Ganja. It was contended by the petitioner that no independent witness was examined by the Investigating Officer. Observing that the above said point can be raised at the time of trial, since section 37 of the NDPS has not been complied, it was dismissed. He was also detained under Act 14, by order of the District Collector, dated 30/03/2023. Again he filed Crl.OP(MD)No.1840 of 2023. That was dismissed stating that Act 14 has been invoked against this petitioner. Not contending that repeated dismissal, this petition has been filed stating that the bail may be considered on sympathy ground concerning the family circumstances of the petitioner.

5.It is contended that the petitioner's child is a mentally retarded one. His wife is also taking treatment. On that account, the learned Additional Public Prosecutor



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was required to verify the above said statement. The learned Additional Public Prosecutor verified the same and stated that it is true that the petitioner is having mentally retarded child and now she is undergoing regular treatment and so far as the wife is concerned, what sort of treatment she is undertaking and what sort of ailment she is having was not stated. Since it is commercial quantity, unless the petitioner is able to satisfy the requirement under section 37 of NDPS Act, he is not entitled any relief from this court.

6.Since already Act 14 has been invoked against the petitioner, even the interim bail cannot be granted. No compelling circumstance has also been brought on record by the petitioner.

7.Considering the above said factual circumstances, if the petitioner released, even on interim bail, he may abscond and hamper the investigation process. So, this is not a fittest case to exercise the discretionary, even for granting of interim bail.

8.In the result, this criminal original petition stands dismissed.

sd/-
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
PUDUKKOTTAI P.E.W POLICE STATION, PUDUKOTTAI DISTRICT,
- 2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.13441 of 2023
Date :01/08/2023

PKP/DD/SAR- /05.08.2023/ 4P/ 4C

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