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Crl.O.P.(MD)No.14626 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 24/08/2023

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP (MD)No.14626 of 2023

Arul Pandi : Petitioner/A3

Vs.

State represented by
Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District.
(Crime No.376 of 2022)

: Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu
Senior Counsel
for Mr.K.Prabhu

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

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

PRAYER:- For Bail in Crime No.376 of 2022 on the
file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner, who is arrayed as A3 was arrested on
16/05/2023 and remanded to judicial custody for the
offences punishable under section 328 IPC and section
8(c), 20(b)(ii)(c) and 29(1) of NDPS Act, in Crime No.376
of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution in brief:-

On secrete information, the de-facto complainant along with the revenue officials and team of police officials were on surveillance on the Ambur to Dana main road. At about 10.30 pm, on 15/12/2022, they intercepted a Lorry bearing registration No.TN-92-F-1670. The occupant was one Thalavaimadan, who was the driver. On suspicion, search was made, which contains 50 bundles. On further search, it was found as Ganja. It was stated to be about 100 kgs. He was brought to the police station along with the contraband. He was arrested and remanded to judicial custody.

3. During the course of investigation, the involvement of this petitioner namely Arul Pandi came to light. On that account, he was arrested and remanded to judicial custody.

4. Seeking bail, this petition has been filed stating that absolutely, no material has been collected during the course of investigation to link this petitioner in the above said transportation of Ganja. It is further submitted that no recovery has been made from this petitioner; Only based upon the confession statement of the co-accused, this petitioner has been implicated. So,



according to him, it is not evidenced in nature to include this petitioner.

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5.Per contra, the learned Additional Public Prosecutor would submit that several Bank transactions took place between this petitioner and A1 and the call details have been collected, which shows that this petitioner frequently contacted with A1. According to him, sufficient materials have been collected during the course of investigation. So, no ground has been made by this petitioner for bail.

6.In response to the above said argument, the learned Senior counsel appearing for the petitioner would submit that simply because, there is a Bank transaction between A1 and this petitioner and there was call records showing the contact will not *prima facie* implicate this petitioner into the above said offence. So, according to him, the Bank transaction has taken place for some other purpose also.

7.No doubt that the above said CDR and Bank transaction has been made. But it is exclusively within the knowledge of this petitioner as to why the above said transactions were effected. But this petitioner is not able to give any explanation for the above said.



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8.Perusal of the CD file shows that large scale network is operating involving the Interstate Ganja Trading activity. He was traced on the basis of the call details and he was apprehended.

9.Reading of the CD file shows that this petitioner being as mechanic of four wheeler alleged to have made alteration in the vehicle belongs to A1 for the purpose of transporting the Ganja in a hidden manner. A1 purchasing Ganja from an unknown person from Andhra Pradesh and several contact details have been collected during the course of investigation, which *prima facie* indicates the involvement of this petitioner. So, the contention that only based upon the confession statement of the co-accused, this petitioner has been implicated is not correct on record. Sufficient materials have been collected.

10.Considering the gravity of the offence and the quantity of the contraband involved and noticing the contact of this petitioner, this court is not inclined to grant bail. If granted, there is no guarantee that he will commit similar offence, while on bail.



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11.So, I find no reason to entertain this petition.

Accordingly, this criminal original petition is
dismissed.

Index:Yes/No
Internet:Yes/No
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24/08/2023

To,

- 1.The Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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