



Crl.O.P.(MD)No.14322 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 23/08/2023

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP (MD)No.14322 of 2023

Kundal @ Mathanraj : Petitioner/A3

Vs.

State through
The Inspector of Police,
Aruppukottai Town Police Station,
Aruppukottai,
Virudhunagar District. : Respondent/Complainant

For Petitioner : Mr.C.Ezhilarasu

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

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

PRAYER:- For Bail in Crime No.25 of 2023 on the file of the respondent police.

ORDER: The Court made the following order:-

The petitioner, who is arrayed as A3 was arrested and remanded to judicial custody, on 25/12/2022 for the offences punishable under sections 8(c), 20(b)(ii)(C), 25, 27A and 29(1) of NDPS Act, in Crime No.299 of 2022 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that on 25/12/2022 at about 01.15 pm, on receiving secret information, along with police team, they were making surveillance on Madurai to Thothukudi National Highways at Thotiyankulam over-bridge junction. At that time, at about 02.20 pm, a Car bearing registration No.TN-09-BP-8442 came in a suspicious manner. It was intercepted and the occupants were enquired. They disclosed them as Satheeshkumar, Vijayan, Kundal @ Mathanraj and Chiranjeevi. On searching the car in the presence of revenue officials, they found 22.400 kgs of Ganja in a white colour gunny bag. On enquiry, they revealed that the contraband was purchased from Andhra Pradesh for selling the same in the local area. Sample was taken as per the procedures and rules. Thereafter, the petitioners were arrested and remanded to judicial custody.

3.Seeking bail, this petition has been filed by this petitioner, who is arrayed A3.

4.Heard both sides.

5.The earlier application that was filed by the petitioner was dismissed, by order, dated 28/03/2023 observing that it is a commercial quantity and the



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petitioner is involved in four previous cases; Out of which, one is similar in nature.

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6.This petition has been filed by the petitioner on the ground that he is in custody ever-since from the date of his arrest. He would submit that in view of the long incarceration period, he is entitled for bail. It is also stated that only from the vehicle, the above said contraband has been recovered and that cannot be attributed to this petitioner's conscious possession. That argument has also been taken into account in the earlier occasion and also rejected.

7.Now, a new ground has been made by the petitioner in this petition stating that on 23/12/2022, he was taken illegally by the respondent police. He has been detained in illegal custody, for which, the mother gave a complaint/representation to the concerned authorities. He has also produced the photographs showing the alleged taking of the petitioner by the respondent police.

8.But in the photographs, we find nothing showing the identity of the respondent police. It has been stated by the petitioner that the respondent police officials were in their civil dress. But from that alone, it cannot



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be stated that the petitioner has been illegally taken by the respondent, on 23/12/2022 itself. It is a matter for consideration by the trial court by way of evidence. Except this ground, no other ground has been made out by the petitioner.

9.So, I find no reason to differ from the view that has been taken by this court in the earlier occasion. There is no guarantee that if the petitioner is enlarged on bail, he will not commit similar offence, while on bail.

10.Considering the antecedents of the petitioner, he is not entitled for bail at this stage. During the course of trial process, after the examination of the material witnesses are over, the petitioner can revive his bail application before the concerned court.

11.In the result, this criminal original petition is **dismissed.**

23/08/2023

Index:Yes/No
Internet:Yes/No
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To,

1.The Additional District Judge
for EC and NDPS Act cases,
Pudukkottai.

2.The Inspector of Police,
Aruppukkottai Police Station,
Aruppukkottai,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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