



CRL OP(MD). No.15448 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15448 of 2023

Anilkumar,

... Petitioner/ Accused No.7

Vs

State Rep.by
The Sub Inspector of Police,
Nib-Cid, Nagapattinam District.
Crime No.06 of 2022,
(Velapalayam P.S
Cr No.33 of 2022).

... Respondent/ Complainant

For Petitioner : M/s.Devaki A, Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the Petitioner on bail in CC.No.98 of 2022 pending trial on the file of the Learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur.

ORDER : The Court made the following order :-

The petitioner/ Accused No.7 herein, who was arrested on 18.01.2022 for the alleged offences under Sections 8(c) r/w. 20(b)(ii)(C), 25 of NDPS Act, 1985 in Crime



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No.33 of 2022, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that on secret information on 18.01.2022, the respondent police conducted vehicle check-up, seized two vehicles viz., one from Andra Pradesh, bearing registration No.AP-31-BY-1287, another one from Kerala bearing registration No.KL-01-BW-1431 and found each 20 kgs. of ganja in 8 gunny bags (160 Kgs) and 7 Kgs from one gunny bag, i.e., totally 167 kgs. of contraband. Based on the confession, the respondent police registered the case.

3.Earlier bail applications filed by the petitioner were dismissed. This is the third bail application filed by the petitioner. Against the dismissal order passed in the second bail application in CrI.O.P.(MD).No.20995 of 2022, he moved Special Leave to Appeal (CrI.) No.4508 of 2023 before the Honourable Supreme Court. The same was dismissed on 10.04.2023.

4.Now this petition is filed on the ground that the petitioner is in custody for more than 3 ½ years (i.e.,) from the date of arrest. The Co-accused namely A3 to A5 and A8 and A9 were arrested and released on bail by this Court. But reading of the order passed by this Court in CrI.O.P.(MD).No.11862 of 2022, does not indicate any relationship between this petitioner and the above said accused. So the petitioner cannot take advantage of the above said order and also cannot claim the benefit. Apart from that trial has already started.



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5. It is found that already this Court directed the trial Court to complete the trial process within a period of three months. It is submitted that so far 3 witnesses were examined and 7 witnesses are going to be examined. Now the post of Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur is kept vacant. The Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur is holding full additional charge of the above said Court. There shall be a direction to the in-charge officer to take up the trial process and comply the above said direction.

6. With the above said directions, this criminal original petition stand dismissed.

sd/-
25/08/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM
TO

1 THE ADDITIONAL DISTRICT JUDGE
/ PRESIDING OFFICER, SPECIAL COURT UNDER
ESSENTIAL COMMODITIES ACT, THANJAVUR.



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- 2 THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT, THANJAVUR
- 3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
- 4 THE SUB INSPECTOR OF POLICE
NIB-CID, NAGAPATTINAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

- 1 THE REGISTRAR(JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.15448 of 2023
Date :25/08/2023

PKP/VRS/SAR- /07.09.2023/ 4P/8C

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