



CRL OP(MD). No.15909 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15909 of 2023

Marimuthu

... Petitioner/ Accused No.8

Vs

The State rep.by,
The Inspector of Police,
Town West Police Station,
Thanjavur District.
(Crime No.294 of 2023).

... Respondent/Complainant

For Petitioner : M/s.V.Kathirvelu, Senior Counsel
for M/s.Prabhu.K, Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.294 of 2023 on the file of the Respondent Police.



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WILSON P ORDER : The Court made the following order :-

The petitioner/A8 who was arrested and remanded to judicial custody on 25.07.2023 for the offences punishable under Sections 8(c) r/w.20(b)(ii)(C),25,29(2)(a) of NDPS Act in Crime No.294 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on 06.03.2023 at about 11.00 a.m., the respondent police on secret information intercepted a lorry bearing Reg.No. TN 76 AV 5563 they saw seven gunny of ganga each weighing 280kgs. It is further alleged that the they have transported the same from Andhra for the purpose of selling it in Tamil Nadu, hence the case came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is only the owner of the lorry he is not aware of the said transportation. He would further submit that the lorry was carrying 500bags of rice at the relevant point of time and he is also having receipts for the same. He would further submit that the petitioner is in judicial custody from 25.07.2023,hence he may be granted bail.



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4. The learned Additional Public Prosecutor would submit that on 06.03.2023 at about 11.00 a.m., the respondent police on secret information intercepted a lorry bearing Reg.No. TN 76 AV 5563 they saw seven gunny of ganga each weighing 280kgs, which falls under the category commercial quantity, hence he objected to grant bail to the petitioner.

5. Taking into consideration the rival submission made on either side and also taking into consideration the gravity of offence and also considering the nature of offence charged against the petitioner and also considering the fact that the investigation is at the preliminary stage and considering all other aspects, this Court is not inclined to grant bail to the petitioner.

6. Hence the petition stands dismissed.

sd/-
01/09/2023
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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
WEB COPY

- 1 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
- 2 THE INSPECTOR OF POLICE,
TOWN WEST POLICE STATION,
THANJAVUR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-13081[I] dated 01/09/2023)

ORDER
IN
CRL OP(MD) No.15909 of 2023
Date :01/09/2023

RK /VR(07/09/2023) 4P / 5C

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