



CRL OP(MD) No.16875 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Nineteenth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) No.16875 of 2023

RAJESH KUMAR

... PETITIONER/ ACCUSED - 2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.459 OF 2021.

... RESPONDENT

For Petitioner : Mr.W.CLEETUS, Advocate

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate(Crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.459 OF 2021 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

This is the fourth application for anticipatory bail. The petitioner has involved
in 7 previous cases. Considering the antecedents of the petitioner, earlier three



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applications were dismissed. Though earlier applications were dismissed 1 ½ years back, the respondent police is not securing the accused and therefore, the petitioner has filed this fourth application for anticipatory bail.

2. The petitioner is facing charges under the NDPS Act. Out of 7 previous cases, two cases are of similar in nature. Considering the antecedents, this Court dismissed the earlier applications on three times on 21.06.2021, 24.09.2021 and 04.01.2022 respectively. Though this Court lastly dismissed the application on 04.01.2022, the respondent police has not secured the accused till date.

3. The learned counsel for the petitioner submitted that this petitioner is apprehending life threat at the hands of the respondent police. He would further submit that the respondent police have planned to commit an encounter. If the petitioner surrender before the respondent police, they would create a record and kill him. The learned counsel for the petitioner claims that the petitioner is ready and willing to co-operate the trial and prove his innocence before the trial Court. Therefore, he may be provided an opportunity by granting anticipatory bail to prove his innocence.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that the apprehension of the petitioner is unwarranted. The petitioner is capable of evading the arrest for the past three years. In view of his absence, the



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trial in the case are pending for several years and hence intention is to evade the trial.

5. This Court considered the rival submissions made.

6. The petitioner apprehending danger has not surrendered before the trial Court or before the police. In view of the submission made by the learned counsel for the petitioner that the petitioner is ready and willing to participate in the trial and prove his innocence before the trial Court, the petitioner can very well surrender before any Court in Tamil Nadu along with copy of this order. In the event of his surrender, he may be transferred to Central Prison, Palayamkottai and shall be produced before the trial Court. After the surrender, he can move for regular bail before the concerned Court.

7. In the event if the petitioner fails to surrender as claimed by him within a period of three weeks from the date of receipt of a copy of this order, the police shall form a special team and secure the petitioner without any further delay.

8. With the above observations, this Criminal Original Petition is dismissed.

sd/-
19/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

WEB COPY

1 THE PRINCIPAL SPECIAL JUDGE
FOR NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.W.CLEETUS, Advocate (SR-13930[I] dated 21/09/2023)

ORDER

IN

CRL OP(MD) No.16875 of 2023

Date :19/09/2023

SS/VRS/10/10/2023/4P/6C

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