



CRL OP(MD). No.17350 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17350 of 2023

Sundarapandi

... Petitioner/ Accused No.3

Vs

State Rep.by
The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
(Crime No.224 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.K.Jeyamohan, Advocate.

For Respondent : Mr.T.Senthilkumar, Additional Public Prosecutor

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

PRAYER :

For Bail in Crime No.224 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 28.07.2022 for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 of NDPS Act, 1985, in Crime No.224 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 28.07.2022 at about 01.00 p.m., on secret information, the respondent police went to the place of occurrence. On seeking the police party, A1 to A4 tried to run away from the place of occurrence. But the



CRL OP(MD). No.17350 of 2023

respondent police nabbed the accused and they were found in possession of 34 kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner/A3 is the brother of A1. He is working in a private IT Company at Chennai. He is an Income Tax Assessee and his annual income is more than Rs.4 lakhs. On account of village festival, he came to the village and attended the village festival. At that time, the respondent police came to the first accused's house and arrested him. The petitioner is being brother of A1 he was falsely implicated in this case. No previous case is pending against the petitioner. Hence, he prays for grant of bail to the petitioner. In support of his argument, the learned counsel produced a train ticket and the proof to show that the petitioner is working at Chennai.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that A1 used to purchase contraband along with A6 through A8. That contraband was transported through train from Andhra Pradesh to Dindigul Railway Station by A15 & A20. From there, with the help of A16 to A19, on the instruction of A1 to A6, they transported the contraband in vehicle bearing Registration No.KL-21-C-786, which belongs to A16 & A19 (petitioner herein). They kept the contraband in



CRL OP(MD). No.17350 of 2023

WEB COPY

the house of A7, where A3 and his wife A5 are residing. A15 namely, Jalabaga Logeswara Prasath is residing in Andhra Pradesh. Through him only, all the accused persons purchased contraband from Andhara Pradesh regularly. Further, A15 used to sell Ganja to A11, A12, A13, A14, A16 and A19. A8 to A10 are residing in Andhra Pradesh. They acted as a dealer and through them, the contraband was purchased from Andhra Pradesh and transported to Tamil Nadu and supplied to the other accused. When the respondent police collecting the call details, it was found that all the accused had large network and also close access in dealing the drug trafficking in Tamilnadu. He would further submit that the contraband recovered from the petitioner also. The petitioner is having contact with A12. Rs.1,70,000/- was paid to the account of A12. The contraband involved in this case is commercial quantity and the investigation is in very preliminary stage. Hence, he strongly opposed to grant bail to the petitioners. In support of his argument, the learned Additional Public Prosecutor produced a copy of the account statement of the petitioner, which reflects the transfer of money from the petitioner to A12.

5.Heard both sides and perused the materials available on record.

6.On perusal of the records, it is revealed that the petitioner was arrested on 28.07.2022 by the respondent police on the place of occurrence. The seized contraband is the commercial quantity. The condition to grant bail is stated by the provision of



CRL OP(MD). No.17350 of 2023

WEB COPY

Section 37 of the NDPS Act. It can be granted in a case where there are reasonable grounds for believing that the accused is not a guilty of the said offence or that he is not likely to commit any offence while on bail. Drug offence causes deleterious effects and deadly impact on the society and hazard to the society. In the instant case, there is no reasonable ground for believing that the petitioner is not guilty of the said offence. Further, this the 5th application for bail and the earlier four applications for bail were dismissed by this Court. Successive bail applications are permissible under changed circumstances. However, this Court finds no change in circumstances of the case to enlarge the petitioner on bail, though this is the fifth petition for bail. Hence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
03/11/2023

/ TRUE COPY /

/11/2023

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

skn
TO

1 THE INSPECTOR OF POLICE, DHADIKOMBU POLICE STATION,
DINDIGUL DISTRICT.

2 THE SUPERINTEDENT, CENTRAL PRISON, MADURAI.



CRL OP(MD). No.17350 of 2023

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

ORDER
IN
CRL OP(MD) No.17350 of 2023
Date :03/11/2023

RS/VR/SAR-(06.11.2023) 5P 4C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023