



CRL OP(MD). No.18869 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18869 of 2023

Kubendran

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
S.S.Colony Police Station,
Cr.No.52/2023,
Madurai City..

... Respondent/Complainant

For Petitioner : MR.M.Subash Babu, Advocate for
M/s.Subash Law Office

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

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

PRAYER :-

For Bail in Crime No. 52/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on



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14.01.2023 for the offences under sections 8(c)r/w.20(b)(ii)(c) and 25 of NDPS Act in

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Crime No.52 of 2023, seeks bail.

2.The case of the prosecution is that based on the information received, the Inspector of Police attached with respondent police along with deputed police officials went near MLM Sudharsana Apartment, TPM Radhanagar, Melakal Main Road, Kochadai at about 05.50 am., and conducted vehicle checkup. At that time, they intercepted a black colour Honda Amaze Car bearing Registration No.TN 63 BE 7139. on seeing the police party, the petitioner and second accused tried to escape from the occurrence place. But, the police officials caught hold them and checked the vehicle, wherein they found 23 kgs of kanga. Hence, the case has been registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his names has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 14.01.2023 and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a second anticipatory bail petition and the earlier petition filed by the petitioner was dismissed by this Court on 22.11.2023 in Crl.O.P



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(MD).No.8254 of 2023 and the contraband recovered from the petitioner is commercial quantity and he is also having 5 previous cases in similar nature and hence, he strongly opposed to grant bail to the petitioner.

5.It is seen that the petitioner was found in conscious and constructive possession of 23kgsm of Ganja, which is the commercial quantity. That apart, after dismissal of the earlier petition, there is no change of circumstances and hence, this court is not inclined to grant bail to the petitioner.

6.Accordingly, the Criminal Original Petition is dismissed.

sd/-
22/11/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE INSPECTOR OF POLICE
S.S.COLONY POLICE STATION, MADURAI CITY.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.18869 of 2023
Date :22/11/2023

SS/DD/SAR- /08/12/2023/4P/4C

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