



CRL OP(MD). No.21117 of 2023

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

Date : 05/12/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.21117 of 2023

K.Palaninathan

... Petitioner/1st Accused

Vs

The State rep.by,
The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
(Crime No.50 of 2022).

... Respondent/Complainant

For Petitioner : Mr.Manimaran.NA,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.50 of 2022 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
12.04.2023 for the offences punishable under Sections 8 (c) r/w 22(C) of NDPS Act,



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Sections 20 and 30 of Arms Act, 1959, in Crime No.50 of 2022 on the file of the respondent police, seeks bail.

2.This is the second petition for bail. The earlier petition was dismissed by this Court on 17.07.2023, since the petitioner was involved in previous cases and failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. Seeking bail, this petition has been filed.

3.The learned Additional Public prosecutor would submit that the petitioner along with other accused found in conscious possession with the contraband, which is a commercial quantity. The petitioner is having bad antecedents. In this case, final report has been filed and the same was taken on file in C.C.No.132 of 2023 on the file of EC Court, Pudukottai. There is no change in circumstances. As per the earlier order, the case against the third accused was split up and the trial commenced. Hence, prays to dismiss the petition.

4.Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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5. Considering the above facts and circumstances of the case, vehement objection raised by the learned Additional Public Prosecutor and the bad antecedents of the petitioner, this Court is of the view that if he is released on bail, he may abscond or indulge in similar kind of activities. More over, the petitioner has not satisfied the requirement under Section 37 of NDPS Act. In view of the above, the petitioner is not entitled to get any discretionary relief from this Court.

6. Accordingly, this Criminal Original Petition stands dismissed. Since final report has been filed before the concerned Court, let the above said trial process be completed within a period of three months from the date of receipt of copy of this order.

sd/-
05/12/2023

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/01/2024
Sub-Assistant Registrar (CS-I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE PRINCIPAL SPECIAL COURT FOR EC AND NDPS ACT CASES,
PUDUKOTTAI.



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2.THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
RAMANATHAPURAM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, MADUARI.

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

ORDER
IN
CRL OP(MD) No.21117 of 2023
Date :05/12/2023

RK/DD (10/01/2024) 4P / 5C
Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023