



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/03/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.1476 of 2023

Thamilarasan,

... Petitioner/Accused 3

Vs

The State rep.by
The Inspector of Police,
S.S.Colony Police Station,
Madurai.
Crime.No. 60 of 2021.

... Respondent/Complainant

For Petitioner : M/s.KRISHNAVENI.P,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

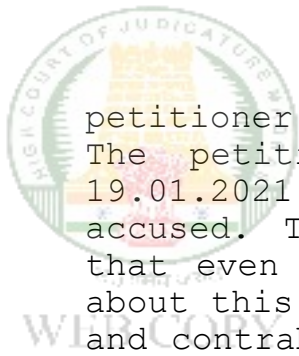
PRAYER :- For Bail in Crime No. 60 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /Accused No.3, who was arrested and remanded to judicial custody on 20.01.2021, for the offences punishable under Sections 8(c), 20(b) (ii) (c), 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.60 of 2021, seeks bail.

2. The case of the prosecution is that on 19.01.2021, on secret information, when the respondent police intercepted a Car bearing Reg.No.TN 07 V 8913, wherein, it was found two gunny bags containing 33.300 kgs of ganja and hence the petitioner and other accused were arrested by the respondent along with the contraband.

3. The learned counsel appearing for the petitioner submits that the petitioner is the third accused in CC No.257 of 2021 on the file of the II Additional District and Sessions Court dealing with EC & NDPS Act Cases, Madurai. Earlier applications filed by the petitioner in CrI.OP(MD)Nos.15608 of 2021, 3758 of 2022 and 10515 of 2022 were dismissed by this Court on 25.10.2021, 27.04.2022 and 24.08.2022 respectively, considering the involvement of the



petitioner and as per the provisions under Section 37 of 1. The petitioner was arrested along the accused 1,2 and 4 on 19.01.2021 and 33.300 kgs of contraband has been recovered from the accused. The learned counsel appearing for the petitioner claims that even in the evidence, the witnesses have not spoken anything about this petitioner that he was present at the place of occurrence and contraband was recovered from him. She further submits that the petitioner is having a girl child aged about 6 years and she is suffering from certain illness and hence the petitioner has to visit her child for providing treatment to her. Therefore, the learned counsel seeks interim bail for a period of one week.

4.The learned Additional Public Prosecutor strongly opposes the grant of bail that this petitioner was present at the place of occurrence and contraband of commercial quantity has been recovered from the accused, who were present in the place of occurrence. He further submits that the trial has been concluded and the prosecution is closed its evidence on 04.03.2023. The case was posted on 08.03.2023 for question under Section 313 of Cr.P.C. Some of the accused have not deliberately cross examined the witnesses, who have been examined by the prosecution. They have filed application under Section 311 of Cr.P.C to recall those witnesses and the same was allowed by the trial Court. Now, the case is posted today 27.03.2023, for cross examination of Investigating officer before the trial Court.

5.Considering the rival submissions made, taking note of the fact that the trial has also been completed, some of the accused have not cross examined the witnesses even after the trial Court permitted them to cross examine the witnesses and the Investigating Officer is subject to cross examination today, considering the nature of offence, quantum of contraband involved, this Court is not inclined to entertain this Criminal Original Petition. However, considering the period of incarceration of the petitioner and other accused in this case, the trial Court is directed to conclude the trial on merits and in accordance with law as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

6.With the above direction,this Criminal Original Petition is dismissed.

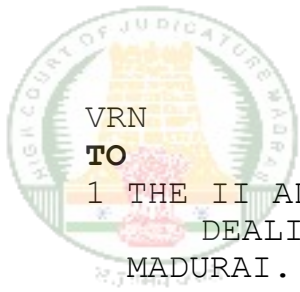
sd/-

27/03/2023

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/05/2023

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



VRN

TO

1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE
DEALING WITH EC & NDPS ACT CASES,
MADURAI.

2 THE SUPERINTENDENT,
MADURAI CENTRAL PRISON, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI.

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

COPY TO:

1 THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.1476 of 2023

Date :27/03/2023

SA/MMS/SAR. /31.05.2023/3P/7C