



CRL OP(MD). No.21439 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.21439 of 2023

Arun Kumar @ Pura Arun

... Petitioner/ Accused No.2

Vs

**The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
Cr.No.899/2020.**

... Respondent/Complainant

For Petitioner : Mr.R.Balamuruganantham, 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. 899/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioner / Accused No.2, who was arrested and remanded to judicial custody on 27.12.2021 for the alleged offences under Sections 8(c) r/w 20(b)(ii)(c) of NDPS Act in Crime No.899 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 22 Kgs of Ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that even according to the case of the prosecution, the petitioner fled away from the scene of crime, after seeing the police personnel. Therefore, there was no recovery from the petitioner. That apart, the property was brought to the trial Court only after 1-1/2 years. The delay is not explained by the prosecution. Now, the first accused was released on statutory bail and insofar as the first accused is concerned, he is incarcerated in imprisonment from the date of his arrest, namely on 27.12.2021. He further submitted that the petitioner suffered from eye issues and require urgent treatment.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that this is the fourth application for bail and there is absolutely no change in circumstances to consider the present application for bail.

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

First Information Report.

<https://www.mhc.tn.gov.in/judis>



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6. Taking into consideration of the facts and circumstances of the case and also the fact that even the dismissal of the earlier petitions, there is no change in circumstances. If all the petitioner is suffered from eye illness, he will be treated by the jail Doctors and if required, he will be taken to other eye hospitals. Further, all the grounds raised by the petitioner can be considered only during the trial and not considered in the bail application. The trial is pending from the year 2022. Since NBW is pending as against the first accused, the trial Court is not able to complete the trial. Hence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
13/12/2023

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

SKN
TO

- 1 THE INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.21439 of 2023
Date :13/12/2023

PKP/DD/SAR- /22.12.2023/ 4P/ 4C

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