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Criminal Original Petition No.1867 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.1867 of 2024

1.Abi

S/o.Thangasudhakar

2.Dinesh Kumar

S/o.Murugesan

3.Muthulingam

S/o.Gandhi

... Petitioners

Vs.

The State by

Deputy Superintendent of Police,

PEW Salem Steel Plant Police Station,

Salem District.

Crime No.376 of 2023

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to set aside the docket order passed by learned Special Judge for EC/NDPS Act Cases, Salem, Salem District, in CrI.M.P.Sr.No.14 of 2024 dated 09.01.2024 in Crime No.376 of 2023 pending on the file of the respondent and consequently, direct the learned Special Judge for EC/NDPS Act Cases, Salem, Salem District, to accept the statutory bail u/s.167(2) Cr.P.C. of this petitioner and decide as per law.



Criminal Original Petition No.1867 of 2024

For Petitioners : Mr.V.Sivaraman
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The petitioners, who have been arrayed as A1, A3 and A4, have filed this petition challenging the return endorsement of the Court below dated 09.01.2024, returning the application filed by the petitioners seeking for statutory bail u/s.167(2) Cr.P.C.

2. Heard Mr.V.Sivaraman, learned counsel for petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. The First Information Report came to be registered against the petitioners in Crime No.376 of 2023 for offences u/s.8(c), 20(b)(ii)(c) and 25 of the NDPS Act. In the course of investigation, the petitioners were arrested and remanded to judicial custody. According to the petitioners, the statutory period was over and in spite of the same, the final report was not filed. Therefore, they have filed an application seeking for statutory bail u/s.167(2) Cr.P.C. The Court below has



Criminal Original Petition No.1867 of 2024

returned the application on 09.01.2024 on the ground that it is not maintainable. Aggrieved by the same, the present petition has been filed before this Court.

4. The particulars of each of the petitioner regarding the date of arrest, extension of time granted for completion of investigation and the statutory period *etc.* are tabulated hereunder:

Sl. No.	Events	Dates		
		A1	A3	A4
1.	Date of Arrest	19.04.2023	21.04.2023	08.05.2023
2.	The date on which the 180th day completes	15.10.2023	17.10.2023	03.11.2023
3.	1st Extension of Investigation filed u/s.36(A)(4) of NDPS Act (Crl.M.P.No.1048/2023)	19.09.2023	19.09.2023	19.09.2023
4.	1st Notice served on	27.09.2023	27.09.2023	27.09.2023
5.	1st Extension of Investigation u/s.36(A)(4) of NDPS Act order passed (Crl.M.P.No.1048/2023)	03.10.2023 [3 Months Extension granted till 09.01.2024]	03.10.2023 [3 Months Extension granted till 09.01.2024]	03.10.2023 [3 Months Extension granted till 09.01.2024]
6.	2nd Extension of Investigation filed u/s.36(A)(4) of NDPS Act (Crl.M.P.No.7/2024)	02.01.2024	02.01.2024	02.01.2024



Criminal Original Petition No.1867 of 2024

Sl. No.	Events	Dates		
		A1	A3	A4
7.	2nd Notice served on	04.01.2024	04.01.2024	04.01.2024
8.	1st Statutory Bail Application Filed u/s.167(2) of Cr.P.C. (Crl.MP.SR No.14/2024)	03.01.2024	03.01.2024	03.01.2024
9.	1st Statutory Bail Application u/s.167(2) of CrPC (Crl.MP.SR.No.14/2024)	03.01.2024 Returned on the ground of Non-Maintainability	03.01.2024 Returned on the ground of Non-Maintainability	03.01.2024 Returned on the ground of Non-Maintainability
10.	2nd Extension of Investigation u/s.36(A)(4) NDPS Act order passed on (Crl.M.P.No.7/2024)	08.01.2024 [3 weeks extension granted till 31.01.2024]	08.01.2024 [3 weeks extension granted till 31.01.2024]	08.01.2024 [3 weeks extension granted till 31.01.2024]
11.	2nd Statutory Bail Application filed u/s.167(2) Cr.P.C.	08.01.2024	08.01.2024	08.01.2024
12.	2nd Statutory Bail Application u/s.167(2) of Cr.P.C - Returned	09.01.2024 Returned on the ground of Non-Maintainability.	09.01.2024 Returned on the ground of Non-Maintainability.	09.01.2024 Returned on the ground of Non-Maintainability.

5. It is clear from the above that the Court below was perfectly justified in returning the application filed by the petitioners seeking for statutory bail since as on the date when the bail application was filed, the



Criminal Original Petition No.1867 of 2024

earlier period of extension was in subsistence. Therefore, there is no question of considering the statutory bail petition filed by the petitioners.

6. Learned counsel for petitioners submitted that on 31.01.2024, the extension granted by the Court below came to an end. In the mean time, an incomplete final report came to be filed. The petitioners, therefore, once again filed a statutory bail application, which was also returned.

7. In the considered view of this Court, the issue that has been raised by learned counsel for petitioners cannot be gone into in this petition. The same has to be prosecuted independently in the manner known to law.

In the result, this Criminal Original Petition is dismissed.

05.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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Criminal Original Petition No.1867 of 2024

N.ANAND VENKATESH, J.

gm

To

- 1.The Special Judge for EC/NDPS Act Cases,
Salem, Salem District.
- 2.The Deputy Superintendent of Police,
PEW Salem Steel Plant Police Station,
Salem District.
Crime No.376 of 2023
- 3.The Public Prosecutor,
High Court, Madras.

Criminal Original Petition No.1867 of 2024

05.02.2024