



Crl.OP(MD)No.3334 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2024

PRESENT :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.OP(MD)No.3334 of 2024

Mohamed Nibash @ Mohamed Rifas

... Petitioner / Accused No.5

Vs.

State represented by
The Inspector of Police,
Nagappatinam NIB-CID Police Station,
Nagappatinam District.
(In Crime No.6/2021)

... Respondents/Complainant

For Petitioner : Mr.K.Navanetharaja, Advocate
For Respondent : Mr.S.Ravi
Additional Public Prosecutor

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

PRAYER:-

For Bail in Crime No.6 of 2021 on the file of the respondent herein.

ORDER:- The Court made the following order:-

The petitioner is Accused No.5, who was arrested and remanded to judicial custody on 04.04.2022, for the offences punishable under Section 8(C), 20(b)(ii)(C), 25



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and 29(1) of NDPS Act, 1985 in Crime No.6 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is working as Inspector of Police, Q Branch. They were in their routine Special duty on 01.03.2023 at about 10 p.m., they received a secret information that some people are trying to smuggle contraband to Srilanka, in an ambulance. Along with the police team, they were on surveillance near Thopputhurai Railway station. On the second day, i.e., on 02.03.2023, at about 5 a.m., a tempo traveller ambulance was intercepted by the police team. At that time, on search, four persons were found available in the above said vehicle. They disclosed their names as Mahesh, Vicky @ Vignesh, Sundar and Rajkumar. When search was made, they found in possession of Ganja weighing about 28 kilograms and further procedure was undertaken as per the procedure and rules. All the four persons were arrested on the spot and remanded to custody and ever since they were in custody. During the course of enquiry, the involvement of this petitioner also came to light. Based upon which, he was also included in the crime and arrested and remanded to custody on 04.04.2022. Seeking bail, this petitioner has been filed stating that a false case has been foisted against the petitioner and he is not involved in the above said occurrence.



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3. Learned Additional Public Prosecutor submitted that the matter is pending before the trial Court for examination of witnesses. He further submitted that the earlier petition filed by the petitioner for bail, was dismissed by this Court.

4. In the above circumstances, the petitioner is at liberty to approach the concerned Court for bail instead of filing repeated petitions before this Court. The trial Court may consider the petitioner's bail petition, without being influenced by the order passed by this Court in the earlier occasion.

5. With this observation, this Criminal Original Petition is disposed of.

sd/-
08/03/2024

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/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN
TO

1 THE INSPECTOR OF POLICE
NAGAPPATTINAM NIB CID POLICE STATION,
NAGAPPATTINAM DISTRICT.

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



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- 2 THE SUPERINTENDENT
PUZHAI CENTRAL PRISON, CHENNAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3334 of 2024
Date :08/03/2024

PKP/GS/SAR /15.03.2024/ 4P/ 4C

Madurai Bench of Madras High Court is issuing certified
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