



CRL OP(MD) No.3407 of 2024

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

Monday, the Fourth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3407 of 2024

MURALI

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.272 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.POORNACHANDRAN Advocate

For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.272 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for
the alleged offence under Section 8(c) r/w. Sections 20(b)(ii)(c) and 25 of NDPS Act,

1985, in Crime No.272 of 2023, seeks anticipatory bail.

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2.The case of the prosecution is that the defacto complainant, who is the Village Administrative Officer, along with Village Assistant went to M.R.Pattinam Village regarding inclusion and deletion of name in the voter list, where they saw an abandoned Bolero vehicle bearing Reg.No.TN 38 BZ 3420, in which, three gunny bags were found and empty plastic boxes and the same was reported to the respondent Police. On verification, it was found that three gunny bags were loaded with Ganja weighing about 105 kgs. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that no recovery was made from the petitioner and the petitioner is the owner of the vehicle and based on the confession statement of the co-accused, the petitioner was implicated in this case and the petitioner was served with the notice under Section 41A Cr.P.C and was asked to appear before the respondent Police on 29.11.2023 and he explained all those things before the respondent Police. He would further submit that the co-accused persons have been enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent

Police submitted that as per the confession statement of the co-accused, the petitioner

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is the owner of the vehicle and the accused persons have transported Ganja in Bolero vehicle, to export the same to Sri Lanka, for getting more money . The investigation is at the initial stage. If the petitioner is granted anticipatory bail, it will affect the trial. He would further submit that apart from this case, three previous cases are pending against the petitioner.

5. As per the confession statement by the co-accused, the petitioner is the owner of the vehicle and in order to get more money, the accused persons have transported Ganja in the Bolero vehicle to export the same to Sri Lanka. The investigation is in the initial stage. At this juncture, if the petitioner is enlarged on anticipatory bail, there will be a chance of hiding the evidence and it will affect the trial. Apart from this case, three previous cases are pending against the petitioner. Considering the facts and circumstances of the case and the previous antecedents of the petitioner and the nature of allegation levelled against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. However, after the seizure procedure is over, the concerned Magistrate and the respondent Police are directed to comply with the guidelines enumerated under section 52(A) of NDPS Act and as per the guidelines issued by the Hon'ble Supreme Court of India in the case of Union of India Vs. Mohanlal and Another ((2016) 3 SCC 379).



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6. Accordingly, this Criminal Original Petition is dismissed.

sd/-

04/03/2024

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/03/2024

Sub-Assistant Registrar
(C.S.I /II /III /IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB
TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVADANAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
THONDI POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.3407 of 2024

Date :04/03/2024

PKP/GS/SAR /14.03.2024/ 4P/ 5C

Madurai Bench of Madras High Court is issuing certified
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