



CRL OP(MD) No.4164 of 2024

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

Tuesday, the Twenty Sixth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4164 of 2024

KALISWARAN @ KALI @ KALIDASS ... PETITIONER / ACCUSED NO.5

Vs

THE INSPECTOR OF POLICE
S.S COLONY POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO.329/2023.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SUYAMBULINGA BHARATHI.K Advocate

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

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

PRAYER:

TO ENLARGE THE PETITIONER/SOLE ACCUSED ON BAIL IN CONNECTION WITH A CASE IN CC NO.1016/2023 ON THE FILE OF THE LEARNED PRINCIPAL SPECIAL COURT FOR TRIAL OF NDPS CASES, MADURAI IN CRIME NO.329/2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A5, who is facing trial for the offences punishable under



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Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of NDPS Act, 1985 in C.C.No.1016 of 2023 on the file of the Principal Special Court for Trial of NDPS Act Cases, Madurai in Crime No.329 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 10.03.2023 at about 08.30 hours, based on the secret information, the Sub-Inspector of Police and his team conducted a raid near M.L.M.Sutharsana Apartment, TPM Nagar, Angalaeswari Nagar, Kochadai, Madurai. On seeing the police parties, all the accused were attempted to ran away from that place. However, the respondent police have managed to secure some of the accused. On enquiry, the respondent police found that all the accused were in joint possession of 23 kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and without arresting the petitioner, the charge sheet was filed before the trial Court. Thereby, the petitioner filed anticipatory bail before this Court in CrI.O.P.(MD)No.2120 of 2024 and the same was disposed of by this Court on 12.02.2024 directing the petitioner to surrender before the learned Principal Special Court for Trial of NDPS Cases, Madurai and file a petition under Section 70(2) of Cr.P.C., to recall the NBW and on filing of such petition, the learned Principal Special Court for Trial of NDPS Cases, Madurai was directed to consider the said petition on merits and pass orders on the same day.



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Pursuant to which, the petitioner has surrendered before the trial Court and filed a petition under Section 70(2) of Cr.P.C. and the same was dismissed and the petitioner was remanded to prison. Hence, he prays for bail.

3.The learned Additional Public Prosecutor did not dispute the said facts submitted by the learned counsel for the petitioner.

4.Since this Court has already issued a direction to the trial Court to consider the petitioner's application under Section 70(2) of Cr.P.C and the same was dismissed by the trial Court, the petitioner has to challenge the said order before the trial Court. Hence, this Court is not inclined to grant bail to the petitioner.

5.Accordingly, this Criminal Original Petition is dismissed with liberty to the petitioner to challenge the order passed under Section 70(2) of Cr.P.C before the trial Court in the manner known to law.

sd/-
26/03/2024

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/04/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE PRINCIPAL SPECIAL JUDGE
FOR TRIAL OF NDPS CASES, MADURAI.

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



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- 2 THE INSPECTOR OF POLICE
S.S COLONY POLICE STATION,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4164 of 2024
Date :26/03/2024

PKP/VR/SAR /02.04.2024/ 4P/5C

Madurai Bench of Madras High Court is issuing certified
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