



CRL OP(MD). No.7541 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.7541 of 2024

Vellaichamy @ Sarath

... Petitioner/ Accused 3

Vs

The Inspector of Police,
Silaiman Police Station,
Madurai.
(Crime No.404/2023).

... Respondent/Complainant

For Petitioner : M/s.Mahendrarajan.B, Advocate

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime no.404 of 2023 on the file of Respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against the petitioner in Crime No.404 of 2024 for the offence under Sections 8(c) r/w 20(b)(ii)(c), 25 and 29(1) of



CRL OP(MD). No.7541 of 2024

NDPS Act, and remanded him into judicial custody on 08.10.2023. Therefore, the
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petitioner has filed this petition seeking bail.

2. The case of the prosecution is that the petitioner along with other accused, was found in illegal possession of 22.500 kilograms of contraband. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner was not present in the scene of occurrence and the contraband was recovered only from the first and second accused. He further submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he has been arrested and he is languishing in jail from 08.10.2023. Therefore, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent submits that in this case, investigation is completed, charge sheet has been filed and the same is taken on file as C.C.No.117/2024, before the Special Court for NDPS Cases, Madurai. Now, the case is posted on 05.07.2024, for examination of witnesses and the respondent police are intending to produce the witnesses on the same day. He further submits that the petitioner and the other accused used to purchase ganja from the fourth accused. At the time of arrest, the third accused/petitioner has escaped from the scene of occurrence. A case in Crime No.167/2023 was registered as against the petitioner for the same nature of offence, for which, he was arrested



CRL OP(MD). No.7541 of 2024

and subsequently, released on bail. During that bail period, he has committed another crime, which is also similar in nature, for which, an FIR in Crime No.412 of 2023 was registered and he was remanded.

5.The learned Additional Public Prosecutor appearing for the respondent produces a report stating that the petitioner is habitual offender and he has ten previous cases which are as follows:

'Crime No.40 of 2011, pending before Perambalur Police Station, Perambalur District.

Crime Nos.201 and 202 of 2013, pending before Ganesh nagar Police Station, Pudukottai District.

Crime No.40 of 2013, pending before Aranthanakottai Police Station, Pudukottai District.

Crime No.275 of 2014 and 209 of 2018, pending before Tamil Nadu University Police Station, Thanjavur District.

Crime No.67 of 2021, pending before Arokonam Police Station, Ranipettai.

Crime Nos.82 & 167 of 2023, pending before Kantharva Kottai Police Station, Pudukottai and PEW Pudukottai Police Station, Pudukottai.'

6. Considering the facts and circumstances of the case, the nature of offence and also considering the antecedent of the petitioner, this Court is not inclined to grant



CRL OP(MD). No.7541 of 2024

any relief to the petitioner.

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7. Accordingly, this Criminal Original Petition is dismissed.

8. The respondent police is directed to produce the witnesses before the Court concerned on 05.07.2024, without fail and the Special Court for NDPS Cases, Madurai, is directed to conclude the trial as expeditiously as possible.

sd/-

27/06/2024

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/07/2024

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

LR

TO

1 THE JUDGE,
SPECIAL COURT FOR NDPS ACT CASES, MADURAI.

2 THE SUPERINTENDENT,
MADURAI CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
SILAIMAN POLICE STATION,
MADURAI.

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



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CRL OP(MD). No.7541 of 2024

ORDER
IN
CRL OP(MD) No.7541 of 2024
Date :27/06/2024

SA/JGB/SAR. /01.07.2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.