



Crl.O.P.(MD)No.9617 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). Nos.9617, 9621, 16166 and 13760 of 2024

Sasikumar ... Petitioner/ A2 in Crl.O.P.(MD)No.9617 of 2024

Gopinathan ... Petitioner/ A8 in Crl.O.P.(MD)No.9621 of 2024

Vignesh ... Petitioner/ A4 in Crl.O.P.(MD)No.16166 of 2024

1.Veeramurasu

2.Muruganandham

3.Harikrishnan ... Petitioners/ A1, A6 & A7
in Crl.O.P.(MD)No.13760 of 2024

Vs

1.The Inspector of Police,
NIB CID,
Nagapattinam,
Nagapattinam District.
Crime No.1 of 2024

... Respondent/Complainant in
CRL OP(MD). Nos.9617, 9621 and 16166 of 2024

2.The State Rep. by
The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
Crime No.275 of 2023

... Respondent/Complainant in
Crl.O.P.(MD)No.13760 of 2024



Crl.O.P.(MD)No.9617 of 2024

For Petitioner (in Crl.O.P.(MD)Nos.9617 &
16166 of 2024)
: Mr.S.Abdul Rahuman, Advocate
For Petitioner (in Crl.O.P.(MD)No.9621 of 2024)
: M/s.P.Krishnaveni, Advocate
For Petitioner (in Crl.O.P.(MD)No.13760 of 2024)
: M/s.P.Vimala, Advocate
For Respondent (in all petitions)
: Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C./483 of BNSS

PRAYER in CRL OP(MD). Nos.9617, 9621 and 16166 of 2024 :-

To enlarge the petitioners/accused on bail in C.C.No.50 of 2024 on the file of the Special Court for EC & NDPS Act Cases, Thanjavur in Crime No.1 of 2024 on the file of the respondent police.

PRAYER in Crl.O.P.(MD)No.13760 of 2024:-

For Bail in Crime No.275 of 2023 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

These four applications for bail are filed by (1) Sasikumar (Accused No.2 in Crl.O.P.(MD)No.9617 of 2024; (2) Gopinathan(Accused No.8 in Crl.O.P.(MD)No. 9621 of 2024; (3) Vignesh(Accused No.4 in Crl.O.P.(MD)No.16166 of 2024, (4) Veeramurasu (Accused No.1), Muruganandam (Accused No. 6) and Harikrishna (Accused No.7) in Crl.O.P. No.13760 of 2024, arise of the same case in Crime No.1 of 2024 on the file of



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the Inspector of Police, Narcotics Information Bureau, Nagapattinam, now pending as C.C. No. 50 of 2024 on the file of the learned Special Court for EC & NDPS Act Cases, Thanjavur.

2.The case of the prosecution is that on 08.11.2023 at 6.00 PM, the Inspector of Police(in charge) Velankanni - Keezhaiyur Police Station received secret information that Ganja was being transported from Tiruvarur-Thirukuvalai through Melapidagai PR Puram and as such, the police party, where involved in surveillance and check of the vehicles at ECR road, Melapidagai, Tirupoondi at about 07.05 pm four vehicles, two Yamaha Motorcycles PY05 7932 & TN 51 AR 4689 and two cars, Volkswagen Taigun TN 42 AM 2775 and Hyundai Crete TN 66 AP 7107 which were fast approaching Tirupoondi from malepalayam were intercepted and checked from all the 8 accused a total quantity of 300 kilograms of ganja contained in 12 bags of 25kilograms each were seized from both cars and it was found that the Accused Veeramuthu, Sasikumar, Sudarshan and Vignesh had procured the same from Andra Pradesh and with Accused Vairakumar, Muruganandam, Harikrishnan and Gopinathan they all were trying to transport the same to Srilanka. Due samples were drawn and the report confirms that the same is Ganga and hence the case.

3.Heard Mr. S. Abdul Rahman, learned counsel appearing on behalf of the petitioner in Crl.O.P.(MD)Nos.9617 and 16166 of 2024; M/s.P.Krishnaveni, learned



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counsel appearing on behalf of the petitioner in Crl.O.P.(MD)No.9621 of 2024; and

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Ms.Vimala, learned counsel appearing on behalf of the petitioners in Crl.O.P.(MD) No.13760 of 2024.

4.On behalf of Gopinathan, Accused No. 8, he is innocent, it is contended that he was picked up from his home and was falsely implicated in the present case. On 07.11.2023, his wife attempted to contact him and since he did not reply, immediately, came to their house from her parent's house and found that the petitioner, CCTV hard disk and Rs.11,000/- were all missing from the house and immediately at about 7.30 pm, she had lodged an online complaint. As such, he is innocent. It is further contended that there is no record of drawl of the samples before the Judicial Magistrate.

5.On behalf of Vignesh, it is contended that he is the friend of Sasikumar (Accused No. 2). Sasikumar does construction work. He did construction work from one Maniraj, who is the accused/drug peddler. There arose some dispute. In the guise of settling the construction dispute, the said Maniraj requested Sasikumar to come over to Chennai to resolve the disputes. There, the Nagapattinam Special Team Police were present and only took them to Tada in Andhra Pradesh and brought them back and set up as if they were transporting ganja. The entire thing is done only at the instance of Maniraj to wreck vengeance and the police willfully foisted a false



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case.

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6.On behalf of Sasikumar, it is contended that when he was in Chennai on 07.11.2023, he was picked up along with his case TN 66 AP 7107 and thereafter, Keezhaiyur police filed a false case against him.

7.On behalf of Veeramurasu, Murugananadam and Harikrishnan, it is contended that the contraband was seized only from Maniraj. The said Maniraj was left scot-free by the police party by getting a huge amount of money as bribe and from the said seizure, only to save him the present case is filed as if the seizure is made from the present accused. Disciplinary proceedings are initiated against the five policemen which would itself reveal the falsity of the present case.

8.I have considered the said submissions made on behalf of the petitioners and perused the material records of the case and also called for further information relating to the arguments.

9.With reference to the arguments relating to the foisting of a false case on behalf of Maniraj and the false implication is concerned, it can be seen that one Maniraj is Accused No.3 in Crime No.143 of 2024 of Keezhaiyur Police Station and during the investigation in that case, S.I. Balamurugan and others are accused of getting a bribe amount of Rs.20 Lakhs to let Maniraj and one more accused, Gautam go scot-free of the case. However, the truth came out and therefore departmental



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action is being taken against them. A perusal of the Charge Memorandum, it can be seen that the said occurrence happened on 04.07.2024 and the present occurrence is in the month of November 2023. In the instant case, the Investigating Officer is one Anantha Rajan, the Inspector of Police, though the said Balamurugan, Sub-Inspector of Police and other delinquent personnel were also part of the present team that intercepted and recovered the ganja. Therefore, on a perusal of the records, without further trial or cross-examination at this stage, I am unable to agree with the arguments of the learned counsel for the petitioners.

10.As far as the drawal of the sample is concerned, in the remand report as well as the requisition letter it is mentioned that the sample was drawn in the presence of the Judicial Magistrate and his signature was obtained, therefore, even regarding the said contention, I am unable to agree with the contentions of the petitioners.

11.Regarding the arguments of on behalf the accused Gopinathan, the mere fact that the wife had given a complaint by 7.30 pm by itself will not establish their accusation. Their version can be tested only in the Trial.

12.When the seizure is of 300 kilograms of ganja, and when it was about to be further smuggled into Srilanka, the case has international ramifications and I am unable to accede to the prayer made for enlarging the petitioners on bail. In the facts and circumstances of the case, the period cannot also be held to be too long a period



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to invoke Article 21 to overcome the rigors of Section 37 of the NDPS Act.

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13. There are 25 witnesses in this case, and because bail is denied, the prosecution is directed to expedite the trial and the Learned Trial Court shall also take up the matter for expeditious disposal and dispose of the same in any event not later than four months from the date of receipt of the copy of the Order.

14. With the above directions, these Criminal Original Petitions are dismissed.

sd/-
04/10/2024

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/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO
1 THE JUDGE,
SPECIAL COURT FOR EC AND NDPS
ACT CASES,
THANJAVUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.

3 THE INSPECTOR OF POLICE
NIB CID, NAGAPATTINAM,
NAGAPATTINAM DISTRICT



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4 THE INSPECTOR OF POLICE,
KEELAIYUR POLICE STATION,
NAGAPATTINAM DISTRICT.

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

ORDER
IN
CRL OP(MD). Nos.9617, 9621, 16166 and 13760 of 2024
Date :04/10/2024

SA/JGB/SAR. /05.11.2024/8P/6C

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