



CRL OP(MD). No.15253 of 2024

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

Date : 28/10/2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.15253 of 2024

Barnikana Pavan Kumar,

... Petitioner/ Accused No.8

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
Crime No. 355/2023.

... Respondent/Complainant

For Petitioner : Mr.N. Vignesh,
Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 355 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

This is the fourth application filed by this petitioner, seeking anticipatory



CRL OP(MD). No.15253 of 2024

bail. The petitioner is A10 in Crime No.355 of 2023 on the file of the respondent police registered for the offences punishable under Sections 8(c), 20(b) ii (B), 25 and 29(1) of NDPS Act.

2.As per the prosecution case, on 26.10.2023, when the respondent police were on routine check up, they found A1 to A3, A5 & A7 were in possession of 6 kgs of ganja and recovered the same from them. Based on the confession statements, they went to Andhra Pradesh, arrested A11 and recovered 42 kgs of ganja from him. Investigation in this case has been completed and final report is also filed by the respondent police before the Special Court to deal with NDPS Act Cases, Madurai in CC No.142 of 2024. The earlier applications filed by this petitioner were dismissed by this Court, considering the quantity of ganja involved in this case.

3.Now, the petitioner has moved this application by referring the bail orders granted to A1,A2, A5, A6, A7 and A12 in this case that the co-accused were granted bail by this Court. The learned counsel has also stated that the investigation has already been completed and final report was also filed. The learned counsel for the petitioner has projected the case that this petitioner is a student studying B.Tech ECE, II year in Welfare Institute of Science, Technology and Management, Visakhapatnam; he has been falsely implicated in this case; there is no bad antecedents as against him and he is prepared to co-operate for the investigation.



CRL OP(MD). No.15253 of 2024

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4.The learned Government Advocate (Crl.side) has raised serious objections that this petitioner is from Andhra Pradesh and he is one of the main accused. Apart from this petitioner, another person from Andhra Pradesh was also arrested and he is in jail. He further submits that there were money transactions between this petitioner and the other accused as under:

- (a) On 16.08.2023, Rs. 20,000/- from Reegan (A1)
- (b) On 16.08.2023, Rs. 20,000/- from Reegan (A1)
- (c) On 16.08.2023, Rs. 4,000/- from Reegan (A1)
- (d) On 16.08.2023, Rs. 20,000/- from Anitha (A1)
- (e) On 16.08.2023, Rs. 20,000/- from Anitha (A1)
- (f) On 23.10.2023, Rs. 50,000/- from Jemila (A1's wife)
- (g) On 23.10.2023, Rs. 10,000/- from Jemila (A1's wife)

The learned Government Advocate by producing a letter issued by the Principal of Welfare Institute of Science, Technology and Management, Visakhapatnam submits that the petitioner has never attended the College as projected by him and his attendance percentage is 0%.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The quantity of ganja involved in this case is 50 kgs, which is a



CRL OP(MD). No.15253 of 2024

commercial quantity. Though the final report has been filed, this Court is not inclined to grant anticipatory bail to this petitioner, in view of provision under Section 37 of NDPS Act. The petitioner has not made out any case that he is an innocent and he is not having any role in the commission of offence. The investigation reveals that there were money transactions between this petitioner and the co-accused. Grant of bail to the co-accused is not a ground for grant of anticipatory bail to this petitioner. Moreover, the petitioner's application before the Honourable Supreme Court was also rejected.

7. In view of the above, this Criminal Original petition is dismissed.

sd/-
28/10/2024

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

VRN

TO

1 THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT



CRL OP(MD). No.15253 of 2024

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

ORDER
IN
CRL OP(MD) No.15253 of 2024
Date :28/10/2024

PSP/ GSV /SAR /21.11.2024/ 5P/ 3C

Madurai Bench of Madras High Court is issuing certified
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