



CRL OP(MD). No.16004 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16004 of 2024

Saravanan

... Petitioner/ Accused No.9

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Nibcid Police Station,
Dindigul District.
Crime No. 15/2023..

... Respondent/Complainant

For Petitioner : Mr.B.Santhanam Rajesh Kumar,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner on Bail in C.C.No.161 of 2024 on the file of the Learned Additional District for Principal Special Court for EC and NDPS Act Cases, Madurai in Crime No.15 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 18.06.2024 for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(C), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in crime No.15 of 2023 on the file of the respondent police, seeks bail.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

3. The learned counsel for the petitioner would submit that even though the earlier bail application was dismissed on the representation of the prosecution that there was a money transaction, he would point out that the alleged money transaction is only to the wife and mother of accused No.6. He would further submit that even the CDR particulars would not show any active contact with the other accused with the relevant point of time. Therefore, the materials which is said to be presented before this Court and either irrelevant or not enough to show any complicity of the petitioner to the crime when no contraband has been recovered



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from the petitioner. Since the petitioner has got no previous case and he is in jail from 18.06.2024, he must be enlarged on bail.

4. I have considered the said submission. The case of the prosecution is that the petitioner only funded for purchase of Ganja. In support thereof, the amount which is transferred to mother and wife of the other accused also produced and the contact with the other accused, CDR particulars are filed. Prima facie when materials are available, this Court is unable to find any reason to the rigour of Section 37 of the NDPS Act. This Court considered the earlier bail application on 13/08/24 and dismissed the same. From the arguments now made by the learned Counsel for the petitioner I do not see any change of circumstances. Since the petitioner is denied bail, it is now stated by the prosecution that 4 accused are absconding. The prosecution shall take emergency steps to apprehend the absconding accused and ensure that the case proceeds further. If the NBW could not be executed, the case has to be split up and the case against the petitioner should be proceeded further. The trial court also shall consider the fact that the petitioner is denied bail and try to dispose of the case as early as possible.



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5. With the above observation, this Criminal Original Petition is disposed of.

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

TRP
TO

- 1 THE ADDITIONAL DISTRICT JUDGE
FOR PRINCIPAL SPECIAL COURT FOR EC AND NDPS
ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE,
NIBCID POLICE STATION,
DINDIGUL DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.16004 of 2024
Date :24/09/2024

SS/VR/SAR- /16/10/2024/4P/5C

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