



Crl.OP(MD)No.15788 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2024

PRESENT :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.OP(MD)No.15788 of 2024

Mohamed Nibash @ Mohamed Rifas

... Petitioner / Accused No.5

Vs.

The Inspector of Police,
NIB CID, Nagapattinam,
Nagapattinam District.
(Crime No.6 of 2021)

... Respondent/Complainant

For Petitioner : Mr.C.Ezhilarasu, Advocate

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER:-

For Bail in Crime No.6 of 2021 on the file of the respondent herein.

ORDER:- The Court made the following order:-

The petitioner is Accused No.5, who was arrested and remanded to judicial custody on 04.04.2022, for the offences punishable under Section 8(C), 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1985 in Crime No.6 of 2021, on the file of the respondent



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police, seeks bail.

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2. The case of the prosecution is that the defacto complainant is working as Inspector of Police, Q Branch. They were in their routine Special duty on 01.03.2023 at about 10 p.m., they received a secret information that some people are trying to smuggle contraband to Srilanka, in an ambulance. Along with the police team, they were on surveillance near Thopputhurai Railway station. On the second day, i.e., on 02.03.2023, at about 5 a.m., a tempo traveller ambulance was intercepted by the police team. At that time, on search, four persons were found available in the above said vehicle. They disclosed their names as Mahesh, Vicky @ Vignesh, Sundar and Rajkumar. When search was made, they found in possession of Ganja weighing about 28 kilograms and further procedure was undertaken as per the procedure and rules. All the four persons were arrested on the spot and remanded to custody and ever since they were in custody. During the course of enquiry, the involvement of this petitioner also came to light. Based upon which, he was also included in the crime and arrested and remanded to custody on 04.04.2022. Seeking bail, this petitioner has been filed stating that a false case has been foisted against the petitioner and he is not involved in the above said occurrence.



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3. Learned Additional Public Prosecutor submitted that the charge sheet has been filed before the Special Court, Thanjavur and cognizance was taken in C.C.No.6 of 2023. The co-accused in this case, who was granted relief, has not appeared before the concerned Court and therefore, warrant was issued against him. The earlier petitions filed by this petitioner was dismissed by this Court, considering the gravity of the offence.

4. In view of the above submission, this Court is not inclined to grant relief to the petitioner, considering his previous antecedents. Accordingly, this Criminal Original Petition is disposed of.

sd/-
20/09/2024

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/09/2024

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

PNN

TO

1 THE INSPECTOR OF POLICE,
NIB CID,
NAGAPATTINAM, NAGAPATTINAM DISTRICT.



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2 THE SUPERINTENDENT
PUZHAL CENTRAL PRISON, CHENNAI.

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

ORDER
IN
CRL OP(MD) No.15788 of 2024
Date :20/09/2024

SS/JGB/SAR- /27/09/2024/4P/4C

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