



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17018 of 2024

R.Saravanan,

... Petitioner/ Accused No.9

Vs

State of Tamilnadu,
Rep.by.The Sub Inspector of Police,
Anna Nagar Police Station,
Madurai City.
(Crime No.451 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.T.Mohan, Senior Counsel
for Mr. P.Suresh,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Government Advocate (Crl.Side)

PETITION FOR BAIL UNDER SECTION.483 OF BNSS

PRAYER :-

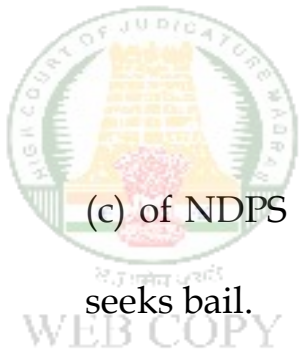
C-32B For Bail in Crime No. 451 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody

on 30.08.2024 for the offences punishable under Sections 20(b)(ii)(C), 25, 29(1) and 8

<https://www.mhc.tn.gov.in/judis>



(c) of NDPS Act, 1985 in crime No.451 of 2024 on the file of the respondent police, seeks bail.

2. Mr.T.Mohan, the learned Senior Counsel appearing for the petitioner would submit that the original case of the prosecution is that the petitioner handed over the contraband on 10/7/2024. Only because the petitioner has produced proof that he never came to Madurai on 10/7/2024 now, the prosecution is changing its version to 9/7/2024. He would submit that when the petitioner is an ordinary resident of Karaikudi and he is moving in these towns of Trichy, Madurai and Karaikudi in the normal course of his life and he will always come to Madurai and go cross the said toll booths etc., merely on the sole basis of CDR particulars alone, this petitioner cannot be arrayed as an accused.

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

4. I have considered the submission of the learned Senior Counsel for the petitioner that in the original confession statement it was mentioned that the contraband was handed over to the arrested accused on 10/7/2024 and now further statement is being made that it is actually on 9/7/2024. But however, the prosecution has not come up with the final version as to the facts. It can come up only after completion of investigation the occurrence is said to be happened on



10/7/2024 and the investigation is pending. Therefore, at this stage the court cannot render any finding. Prima facie when the contraband is commercial in nature and there is also material in the form of CDR particulars, I am of the opinion that the prosecution should be granted enough time to investigate the matter to come up with the materials as against this petitioner.

5. In view thereof, I am unable to hold that the petitioner has made out a case to come of the rigors of section 37 of the NDPS Act. For the present the application of the petitioner for bail stands dismissed.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-

21/10/2024

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/ /2024

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The State Rep.by.
The Sub Inspector of Police,
Anna Nagar Police Station,
Madurai City.
2. The Superintendent,
Central Prison,
Madurai.



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL OP(MD) No.17018 of 2024
Date :21/10/2024

KVL/15.11.2024 4P/4C

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