



CRL OP(MD) No.17352 of 2023

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

Tuesday, the Second day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.17352 of 2023

PRABAVATHI @ PETCHIYAMMAL ... PETITIONER/ ACCUSED
Vs

THE INSPECTOR OF POLICE
ELUMALAI POLICE STATION,
USILAMPATTI,
MADURAI DISTRICT.
CRIME NO.251 OF 2022.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.ABDUL RAHUMAN S Advocate

For Respondent : MR.B.NAMBISELVAN,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

PRAYER:

FOR BAIL IN CRIME NO.251 OF 2022 ON THE FILE OF THE RESPONDENT
POLICE.

ORDER : The Court Made the following order :-

The petitioner/A2, who is facing trial for the offences punishable under
Sections 8(c) r/w 20(b)(ii)(C) and 29(1) of NDPS Act in C.C.No.427 of 2023 on the file
of the Principal Special Court for Trial of NDPS Act Cases, Madurai in Crime No.251
of 2022 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that on 26.12.2022 at about 04.45 hrs, based on the secret information received by the Sub Inspector of Police, the respondent police conducted raid near Muniyandi temple east side of Manuthu. On seeing police party, the petitioner and other accused persons attempted to escape. However, the respondent police nabbed the accused persons. On enquiry, it was revealed that the petitioner was in illegal possession of 7 kgs of ganja and other accused persons were jointly in illegal possession of 15 kgs of ganja. Hence the case.

3.Heard the learned counsel on either side and perused the material records of the case.

4.It appears that this is the second application for bail and the earlier bail application filed by the petitioner in CrI.OP(MD)No.9692 of 2023 was dismissed by this Court on 06.06.2023 on the ground that the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Now, this application is filed by the petitioner without referring the change of circumstances to consider the case.



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5.Considering the above facts and circumstances of the case and also considering the fact that there is no change in circumstances, since the dismissal of the earlier petition, this Court is not inclined to grant bail to the petitioner.

6.In the result, this Criminal Original Petition is dismissed.

sd/-
02/01/2024

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/01/2024
Sub-Assistant Registrar (C.S. -I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sjj

TO

1.THE INSPECTOR OF POLICE
ELUMALAI POLICE STATION,
USILAMPATTI,
MADURAI DISTRICT.

2.THE OFFICER IN CHARGE,
SPECIAL PRISON FOR WOMEN,
MADURAI.

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



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ORDER
IN
CRL OP(MD) No.17352 of 2023
Date :02/01/2024

RK/VR (04/01/2024) 4P / 4C

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