



CRL OP(MD). No.18609 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/10/2024

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.18609 of 2024

Mohamed Nibash @ Mohamed Rifas,

... Petitioner/ Accused No.5

Vs.

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

... Respondent/ Complainant

For Petitioner : M/s.Abdul Rahuman.S, Advocate.

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

PETITIONS FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarged the Petitioner/ Accused No.5 on bail in C.C.No.6 of 2023 on the file of the Special Court for EC and NDPS Act Cases, Thanjavur in Crime NO.6 of 2021 on the file of the Respondent and to pass such further or other orders

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> The petitioner / Accused No.5 herein, who was arrested on 04.04.2022, for the



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alleged offence under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of the NDPS Act, in Crime No.6 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant received a secret information on 01.03.2021 at about 10.00 p.m. That was recorded as per the procedure. Along with the team of police, he went to the place of occurrence on surveillance on 02.03.2021 at about 04.00 a.m. Ambulance vehicle was intercepted on suspicion. Enquiry was made with the occupants. They revealed their name as Mahendra, Vikki @ Vignesh, Sundar and Rajkumar. On suspicion, search was made and the vehicle was found in possession with contraband weighing about 28 kilograms in two bags, each containing 14 kilograms. It was seized. On the basis of the above said occurrence the FIR was registered in Crime No.6 of 2021 by the respondent police.

3.After completing the investigation, final report was filed charge sheeting the four accused persons before the trial Court.

4.Seeking bail repeatedly, this petitioner approached this Court as well as trial Court and all the bail applications came to be dismissed.

5.Later this petition has been filed stating that the co-accused were granted regular bail.

6.Per contra, the learned Additional Public Prosecutor would submit that even



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though co-accused granted regular bail, they absconded after getting bail. Because of that warrant has been issued. Now it is pending for execution. So he made strong objection to release the petitioner on bail stating that if he released on bail, he may abscond like co-accused.

7.The learned counsel for the petitioner would submit that for the absence of co-accused, this petitioner shall not be penalized. But, however, considering the fact that the commercial quantity is involved and all the accused were arrested red handed along with contraband, the petitioner is not entitled for bail. Even though co-accused are granted bail, now they are remaining absconded.

8.Accordingly, this criminal original petition stands dismissed. The petitioner can move the trial Court itself for split up the case in respect of him. If the trial could not be completed within the reasonable time, the petitioner is at liberty to move the concerned Court for bail without repeatedly approaching this Court.

sd/-
29/10/2024

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

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TO
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- 1 THE JUDGE
SPECIAL COURT FOR EC AND NDPS ACT CASES,
THANJAVUR.
- 2 THE SUPERINTENDENT,
PUZHAL CENTRAL PRISON, CHENNAI.
- 3 THE INSPECTOR OF POLICE,
NIB CID, NAGAPATTINAM,
NAGAPATTINAM DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18609 of 2024
Date :29/10/2024

PSP/ JGB /SAR /07.11.2024/ 4P/ 5C

Madurai Bench of Madras High Court is issuing certified
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