



CRL OP(MD). No.18494 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 13/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.18494 of 2024

Sivan

... Petitioner/2<sup>nd</sup> Accused

Vs

The State of Tamilnadu,  
Rep. by the Inspector of Police,  
Cumbum North Police Station,  
Theni District.  
Crime No.424 of 2023.

... Respondent/Complainant

For Petitioner : Mr.C.Jeya Karthick  
for Mr.M.Jegadeesan

For Respondent : Mr.S.Ravi,  
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

To enlarge the petitioner on bail in connection with Crime No. 424 of 2023 on the file of the respondent police, which was charge sheet in C.C.No.121/2024 on the file of the learned 1<sup>st</sup> Additional Special Court for Trial of NDPS Act Cases, Madurai.



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ORDER: The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 8(c), 20(b)(ii)(c) & 29(1) of NDPS Act, in Crime No.424 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. When the matter was came up for hearing on 29.10.2024, this Court had passed the following order:

“Even though this Court has directed the trial Court to complete the trial within two months, the trial Court has not completed the trial. P.W.2 alone is examined and another 8 witnesses have to be examined and long adjournment of one month is being given by the Court.

2. The order was passed by this Court on 22.08.2024. It remains to be seen that the direction is to complete the trial within two months from the receipt of the copy of this order.

3. Registry is directed to call for remarks from the I Additional Special Court for Trial of NDPS Act Cases, Madurai, as to whether the copy of the order was placed before the trial Court and if so, on what date the copy of the order was placed. The remarks of the I Additional Special Court for Trial of NDPS Act Cases, Madurai, shall reach this Court on or before 08.11.2024.”



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3.The report of the 1<sup>st</sup> Additional Special Court for Trial of NDPS Act Cases, Madurai has been received. It is seen from the report that the case is at the stage of questioning under Section 313(1)(b) Cr.P.C and posted for hearing today. In the meantime, A1 seems to have filed a petition under Section 311 of Cr.P.C to recall P.W.1 for cross-examination.

4.The learned counsel for the petitioner by bringing to the notice of this Court the depositions of P.W.1 to P.W.3 submitted that no case has been made out against the petitioner. The petitioner is languishing in the jail from 13.12.2023 and therefore, the learned counsel requested this Court to enlarge the petitioner on bail.

5.Taking into consideration of the facts and circumstances of the case and the submission made on either side, it will be difficult for this Court to render any finding on the evidence deposed by P.W.1 to P.W.3, since it will have a bearing when the trial Court decides the case. Considering the stage of the case, this Court is inclined to direct the Special Court to dispose of the case within four weeks from 19.11.2024. If the case is not able to disposed within of the time frame fixed by this Court, this Court will consider grant of bail to the petitioner. It is made clear that if



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the delay is caused due to the conduct of the accused persons, that will not enure to the benefit of the accused persons.

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6.This Criminal Original Petition disposed of accordingly.

sd/-  
13/11/2024

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/11/2024

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

PNM

TO

- 1 THE 1ST ADDITIONAL SPECIAL  
JUDGE FOR TRAIL OF NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE,  
CUMBUM NORTH POLICE STATION,  
THENI DISTRICT.
- 3 THE OFFICER INCHARGE,  
DISTRICT JAIL, THENI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.JEGADEESAN, Advocate ( SR-14067[I] dated 15/11/2024 )



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ORDER  
IN  
CRL OP(MD) No.18494 of 2024  
Date :13/11/2024

SS/SAR- /23/11/2024/ 5P/6C

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