



CRL OP(MD) No.20935 of 2023

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

Wednesday, the Third day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.20935 of 2023

VIJAY

... Petitioner / Accused No.5

Vs

THE INSPECTOR OF POLICE
SEDAPATTI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. 123 OF 2022)

... Respondent / Complainant

For Petitioner : M/s.J.Selvam, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

Prayer: To release the petitioner on bail in C.C.No.430 of 2023 on the file of the Principal Special Judge for NDPS Act Cases, Madurai in Cr.No.123 of 2022 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner/A5, who is facing trial for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act, in C.C.No.430 of 2023 on the file of the learned Principal Special Judge for NDPS Act Cases, Madurai, in Crime No.123 of 2022, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of 24kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that earlier, the petitioner filed applications for bail in CrI.O.P.(MD)Nos.3945 and 9832 of 2023 and the same were dismissed by this Court on 20.03.2023 and 14.06.2023 on the ground that the petitioner went to Andrapradesh and purchased commercial quantity of Ganja and handed over to the other accused persons and the above said decision was taken by this Court only based on the confession statement of the co-accused and no recovery was made from the petitioner. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and no previous case is pending against the petitioner and subsequently, he obtained report from the JIO cellphone authorities. It reveals that there was no tower location in Andrapradesh and no telephonic conversation from the petitioner to other accused persons. In view of the change of circumstance, he prays for grant bail to the petitioner. In this regard, the learned counsel also relied upon the Judgment of the Hon'ble Supreme Court of India in Suhail Ahmed Vs. State Rep. Through the Inspector of Police [Criminal Appeal No.....of 2023 (Arising Out of S.L.P(Criminal) No.6668 of 2023)].

4.The learned Additional Public Prosecutor for the State would submit that



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this is the petitioner's third application for bail and the earlier two applications were dismissed by this Court and as per the call details revealed that the petitioner was in Andrapradesh and two days prior to the crime, had only purchased the contraband from Andrapradesh and thereafter, he distributed the same to the other accused and the tower location is of the petitioner phone number located at Andra Pradesh and he had spoken to A1, while he was staying at Andra Pradesh for four days. Hence, he vehemently opposed to grant bail to the petitioner.

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

6.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 applications, this Court is not inclined to grant bail to the petitioner.

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

sd/-
03/01/2024

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

SJI



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To தலைவர் அவர்கள்

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1.The Inspector of Police,
Sedapatti Police Station,
Madurai District.

2.The Superintendent,
Central Prison,
Madurai.

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

ORDER
IN

CRL OP(MD) No.20935 of 2023

Date :03/01/2024

ED/ JGB /SAR- (09/01/2024) 4P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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