



CRL OP(MD) No.21724 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.21724 of 2023

C.ALWIN

... PETITIONER/ ACCUSED NO.4

Vs

THE INSPECTOR OF POLICE

NIB CID

THOOTHUKUDI DISTRICT.

CRIME NO.196/2021

... RESPONDENT/COMPLAINANT

For Petitioner : MR.KATHIRVELU, Senior Counsel
for M/S.NA.MANIMARAN Advocate

For Respondent : MR.RAVI ,
Additional Public Prosecutor

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

Prayer:

To grant Bail for the Petitioner/Accused No.4 in Crime No.196/2021 in CC No.56/2022 on the file of the respondent Police and thus render justice.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody for the offences under Sections 8(c) r/w. 20(b)(ii)(C) and 25 of NDPS Act in Crime No.196 of 2021, seek bail.

2.The case of the prosecution is that on 28.07.2021 at about 22.00 hours, when the respondent Police and his team were in their routine patrol duty, they received a



CRL OP(MD) No.21724 of 2023

secret information regarding Ganja transportation, they went to the spot. At that time, they found a car in a lonely place and after making search on it, they found 76 kgs of Ganja in back portion of the car. Since no person is available in the occurrence place, after conducting investigation, accused Nos.1 and 2 were arrested. Based on their confession statement, accused Nos.3 and 4 were also arrested. This petitioner is arrayed as fourth accused. Hence, this petition is filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and the petitioner is falsely implicated in this case. On earlier occasion, the petitioner filed Crl.O.P(MD) No.18121 of 2023 before this Court seeking bail, but this Court dismissed the same on 01.11.2023. Further, prior dismissal of the bail applications filed by the petitioner, the accused Nos.1 to 3 filed bail petitions before this Court in Crl.O.P(MD) No.3424 of 2022 and 6147 of 2022, that were allowed by the orders dated 13.04.2022 and 14.02.2022 respectively. However, the same was not referred to this Court, thereby dismissed the bail petition filed by the petitioner. Further, no recovery is made from the petitioner and there is no previous case pending against the petitioner. Hence, he prays for granting bail to the petitioner.



CRL OP(MD) No.21724 of 2023

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4. The learned Additional Public Prosecutor would submit that it is true that the said vehicle was owned by one Jebaraj as per the registration. From the said Jebaraj, the petitioner hired the vehicle and engaged the accused Nos.1 and 2 in order to transport Ganja to Sri Lanka. The owner of the car made statement before the respondent Police stating that the petitioner made a call to him for hiring the vehicle and he instructed his wife to hand over the key to the petitioner. In turn, the petitioner engaged the accused Nos.1 and 2 for illegal transportation of 76 kgs of Ganja to the foreign countries. The orders passed by this Court to the accused Nos.1 to 3 were not reported to this Court, so there was no discussion in that order in Crl.O.P(MD) No.18121 of 2023. There is no change in circumstances. Though the owner of the vehicle made statement before the Law Enforcing Authority, on earlier occasion, further statement was recorded from the accused persons. But however, for the past two years, this petitioner absconded. Thereafter, he was secured. Investigation is completed and Charge Sheet is filed in C.C.No.56 of 2022. If the petitioner is granted bail, then there will be no progress in the trial. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.



CRL OP(MD) No.21724 of 2023

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6. The fact in the present case is not in dispute and the relationship of the accused persons are also not in dispute. It appears that the vehicle was found with contraband of 76 kgs of Ganja and after enquiry, the owner of the vehicle was identified and statement was recorded from him that the seized car was hired by the petitioner from the fifth accused/owner of the vehicle, and he engaged his brother namely accused Nos.1 to 3 for transportation of Ganja to the foreign countries, which fact is also admitted before this Court. The occurrence is of the year 2021 and earlier bail petition filed by the petitioner was dismissed by this Court. So, Considering the facts and circumstances of the case and also considering that huge quantity of Ganja was recovered from the vehicle, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
03/01/2024

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

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CRL OP(MD) No.21724 of 2023

TO
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1.THE SUPERINTENDENT
CENTRAL PRISON,
MADURAI.

2 THE INSPECTOR OF POLICE
NIB CID
THOOTHUKUDI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.21724 of 2023

Date :03/01/2024

RK/ DD(09/01/2024) 5P / 4C

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