



CRL OP(MD) No.22320 of 2023

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

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22320 of 2023

RAJKUMAR

... Petitioner / Accused No.4

Vs

THE INSPECTOR OF POLICE
KEERAITHURAI POLICE STATION,
MADURAI CITY.
(CRIME NO.413 OF 2021.)

... Respondent / Complainant

For Petitioner : M/s.S.P.Naveen Kumar, Advocate

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

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

PRAYER: FOR BAIL IN CRIME NO.413 OF 2021 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A4 who was arrested and remanded to judicial custody on
27.04.2022 for the offences under Sections 25(1B), 20(b)(ii)(c), 25, 29(1) and 8(c) of
NDPS Act in Crime No.413 of 2021 on the file of the respondent police, seeks bail.



CRL OP(MD) No.22320 of 2023

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2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 30 kgs of ganja which is a commercial quantity. Hence, the Law Enforcing Authority registered a case against the accused.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that this is the second bail petition. Earlier petition filed by the petitioner in CrI.OP(MD)No.29 of 2023 was dismissed by this Court, on 31.01.2023. He further submits that A3 was already released on bail by this Court and the petitioner has been suffering incarceration from 27.04.2022. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submits that examination of prosecution witnesses is almost over. Earlier bail petition filed by the petitioner was dismissed by this Court, on 31.02.2023 in CrI.OP(MD)No.29 of 2023, on the ground that the case was posted for questioning under Section 313 of Cr.P.C., He further submits that since A3 has no previous case, he was released on bail by this Court. But, the petitioner herein is having one previous case under Section 302 IPC. Hence, there is no change of circumstances, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the



CRL OP(MD) No.22320 of 2023

fact that since A3 has no previous case and no recovery was made from him, bail was granted by this Court. Further, the petitioner is involved in a case under Section 302 IPC. Hence, there is no change of circumstances. Further, if he is released on bail, it will lead to prolong the trial.

6. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
04/01/2024

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

DSS

To

1.The Inspector of Police,
Keeraithurai Police Station,
Madurai City.

2.The Superintendent,
Central Prison,
Madurai.

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



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CRL OP(MD) No.22320 of 2023

ORDER

IN

CRL OP(MD) No.22320 of 2023

Date :04/01/2024

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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