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CRL M.P. No.17389 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.01.2025

CORAM

The Hon'ble Mr. Justice P.DHANABAL

Crl. M.P. No.17389 of 2024

in Crl. O.P. No.25944 of 2024

State represented by

The Inspector of Police,

PEW Tiruvallur Unit.

[Cr. No.222 of 2024] Petitioner / Respondent/ complainant.

VS

Madhan @ Madhubalan Surya S/o. Baskar... Respondent / Petitioner
/ Accused -3

PRAYER: - The Criminal Miscellaneous Petition is filed under Section 483(3) of B.N.S..S. praying to cancel the bail granted to the 2nd respondent / Accused vide order passed in Crl. O.P. No.25944 of 2024 dated 23.10.2024.

For Petitioner : Mr. S. Balaji,
Government Advocate
[Criminal side]

For Respondent : Mr. R. Rajarathinam,
Senior Counsel for
Mr. C. Raja.



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ORDER

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This petition has been filed by the petitioner to cancel the bail granted to the 2nd respondent in Crl. O.P. No.25381 of 2024 dated 21.10.2024.

2. The learned Government Advocate (Criminal side) appearing for the petitioner would submit that on 11.08.2024 at about 6 hours, the petitioner police received information about the illegal transportation of Ganja and thereafter, they intercepted the Eicher lorry bearing Registration No.TN12-BD-2985 and found 55.600 kgs of Ganja and thereafter, FIR has been registered in Cr. No.222 of 2024 of the offences under Sections 8(c) read with 20(b)(ii)(C), 25 and 29(i) of NDPS Act and the petitioner police arrested the respondent/accused on 11.08.2024. Thereafter, the respondent filed a bail petition before this Court in Crl. O.P. No.25944 of 2024 and the same was allowed on 23.10.2024. While submitting the details about the previous cases as against the respondent in the above said main original petition, the prosecution has mistakenly mentioned as 7 previous cases instead of 16 previous cases. Therefore,



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the respondent is not entitled for the bail therefore, the bail granted to the respondent / accused has to be cancelled.

3. The learned Senior counsel appearing for the respondent / accused would submit that the petitioner police have registered a false case against the respondent only for statistical purpose. Already the respondent was acquitted in some of the previous cases. This Court, while granting bail to the respondent / accused, observed that no contraband was recovered from this respondent and he has been arrayed as an accused, only based on the confession statement of the co-accused and though the respondent has 7 previous cases, already bail was granted to him in all the said cases and considering all other factors, bail was granted to him. Therefore, the pendency of previous cases alone was not a ground to grant bail to the respondent / accused. Already the respondent / accused has also complied the condition without fail. Therefore, the present petition is liable to be dismissed.

4. Heard both sides' arguments and perused the materials available



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on record.

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5. In this case, this Court granted bail to the respondent / accused on the grounds that this respondent/ accused has been arrayed as an accused, based on the confession statement of co-accused, no contraband was recovered from this petitioner and contraband was recovered only from A1 and A2 and therefore, the ground raised by the prosecution that the respondent has so many previous cases, thereby the bail granted to the petitioner has to be cancelled, cannot be accepted. Hence, this petition has no merits and deserves to be dismissed.

6. Accordingly, the Criminal Miscellaneous Petition is dismissed.

30.01.2025

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

To

1. The Public Prosecutor, High Court, Madras.

2. The Inspector of Police,
PEW Tiruvallur Unit.

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P.DHANABAL,J
mjs

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in Crl. O.P. No.25944 of 2024

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