



WEB COPY



Crl.O.P. No.32301 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No. 32301 of 2024

Arunkumar Babukumar

... Petitioner/ Accused

Vs.

The Superintendent of Customs,
Prosecution Unit Airport,
New Custom House,
Meenambakkam, Chennai - 600 027.
(R.R. No.38 of 2021)

... Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in
connection with C.C. No.382 of 2022, on the file of the I Additional Special
Court, EC & NDPS Act. Chennai.

For Petitioner : Mr. G. Murugendran

For Respondent : Mr. N.P. Kumar
Special Public Prosecutor



Crl.O.P. No.32301 of 2024

ORDER

WEB COPY

This is the third bail application filed by the petitioner, who was arrested and remanded to judicial custody on 09.12.2021, for the alleged offence punishable under Sections 9(A) r/w. 25(A), 23, 28 and 29 of NDPS Act, pending trial in C.C. No.382 of 2022, on the file of the I Additional Special Court, EC & NDPS Act. Chennai.

2. The second bail application of the petitioner in Crl.O.P.No.5213 of 2023 was dismissed by the Hon'ble Justice A.D. Jagadish Chandira, vide order dated 17.11.2023. The petitioner challenged the said order before the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.3676 of 2024, which was dismissed vide order dated 10.07.2024 by making the following observation:

"After hearing learned counsel for the parties, at present, we are not inclined to allow this special leave petition and to release the petitioner on bail. Accordingly, the special leave petition is dismissed."

3. The learned counsel for the petitioner submitted that the petitioner had filed petition to recall the witnesses for cross examination; that the



Crl.O.P. No.32301 of 2024

prosecution had only produced three witnesses and they have been cross examined; that the prosecution had not produced the other witnesses; that the petitioner has been in judicial custody since 09.12.2021; and that the petitioner undertakes to co-operate for the trial and prayed for bail to the petitioner.

4. Per contra, the Special Public Prosecutor appearing for the respondent submitted that the prosecution had examined all the witnesses and the accused was questioned under Section 313 of Cr.P.C; that the petitioner had so far cross examined three witnesses and six more witnesses have to be cross examined; and that the trial will be concluded in the near future and opposed the grant of bail to the petitioner.

5. Considering the aforesaid facts and submissions made on both sides, this Court is not inclined to grant bail to the petitioner at this stage. However, in the interest of justice, it would be desirable to direct the Trial Court to conclude the trial as expeditiously as possible. If the trial is not concluded within four months, the petitioner is at liberty to renew his bail application. If the delay is caused by the petitioner, he would not be entitled to any relief.



WEB COPY



Crl.O.P. No.32301 of 2024

SUNDER MOHAN, J.

stn

6. Accordingly, this Criminal Original Petition is disposed of.

21.03.2025

stn

To

1. The I Additional Special Judge,
I Additional Special Court, EC & NDPS Act.
Chennai.
2. The Superintendent of Customs,
Prosecution Unit Airport,
New Custom House,
Meenambakkam, Chennai - 600 027.
(R.R. No.38 of 2021)

Crl.O.P. No.32301 of 2024