



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

Tuesday, the Fourth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.13612 of 2015

MURUGAN

... PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THANUSKODI POLICE STATION,
(IN CR.NO.37 OF 2014)
RAMANATHAPURAM DISTRICT. ... RESPONDENT/COMPLAINANT.

For Petitioner : M/S.K.PRABAKARAN Advocate

For Respondent : Govt. Advocate (Crl. Side)

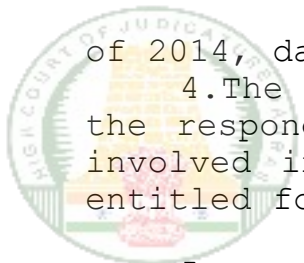
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A2 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 8(c) r/w 20(b), (ii), [c] and 25 of NDPS Act, in Crime No.37 of 2014 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 28.05.2014 at 3.00 hours, the Inspector of Police, Q Branch CID, Ramanathapuram District conducted usual rounds along with his police team and at that time, on specific information, recovered 4 gunny bags at the South Seashore near Arichalmunai Area, which contains 98 kgs of Ganja and recovered in the presence of the Village Administrative Officer and the Village Assistant.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further submitted that the petitioner has been implicated in this case only on the confession of the co-accused and the contraband was not recovered from the possession of the accused and it was recovered from the seashore. It is further submitted that A1 and A4 to A7 were arrested and released on bail by this court in Crl.O.P(MDO)No.17136



of 2014, dated 05.11.2014.

4.The learned Government Advocate (Criminal side) appearing for the respondent filed a counter contending that the petitioner has involved in the case of commercial quantity and hence, he is not entitled for anticipatory bail as per section 37 of NDPS Act.

5.However, considering the fact that the co-accused were enlarged on bail by this court and the contraband was recovered from the Seashore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Special Judge/N.D.P.S. & E.C. Act cases, Madurai and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further condition that the petitioner shall appear before the respondent police daily twice I.e. at 10.00 a.m and 05.00 p.m until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
04/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SPECIAL JUDGE/N.D.P.S. & E.C. ACT CASES, MADURAI.

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

3 THE INSPECTOR OF POLICE
THANUSKODI POLICE STATION, RAMANATHAPURAM DISTRICT.

+1. CC to M/S.K.PRABAKARAN Advocate SR.No.44013

ORDER
IN
CRL OP (MD) No.13612 of 2015
Date : 04/08/2015

CSL/KBM/SAR-II/06/08/2015.