



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

Thursday, the Thirteenth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) Nos.14800 & 14801 of 2015

DEIVAM

... PETITIONER / 2<sup>nd</sup> ACCUSED  
in CRL OP(MD) No.14800 of 2015

MANOHARAN

... PETITIONER / 1<sup>st</sup> ACCUSED  
in CRL OP(MD) No.14801 of 2015

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE,  
CUMBUM NORTH POLICE STATION,  
THENI DISTRICT , CRIME NO.350/2015

... RESPONDENT / COMPLAINANT  
IN BOTH PETITIONS

For Petitioner : M/S.S.POORNA CHANDRAN Advocate IN BOTH PETITIONS

For Respondent : M/S.S.Prabha Government Advocate (Crl.Side)  
in both petitions

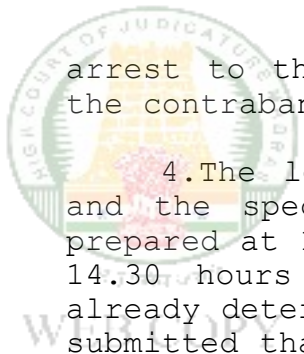
PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 and A2 apprehend arrest at the hands of the respondent police for the alleged offence punishable under section 8(c) r/w 20(b)(ii) (c) of NDPS Act, in Crime No.350 of 2015 on the file of the respondent police and hence, seeks anticipatory bail respectively.

2.According to the prosecution that on 25.07.2015 on the basis of the secret information, the Sub Inspector of Police, attached to the Cumbam North Police Station went to the scene of occurrence and as identified by the informant, they intercepted the accused, who were carrying two bags containing Ganja of 22 kgs and on seeing the police party, they escaped from the scene.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned counsel further submitted that the respondent has registered a case in Crime No.316 of 2015 against A1 alleging that he was found in possession of 1-1/2 kgs of Ganja and he was granted anticipatory bail by this court in Crl.O.P(MD)No.14001 of 2015, dated 23.07.2015; that as per the order of this court, he has furnished sureties and when he was going to appear before the respondent police to comply with the condition, he was implicated falsely in this case and that the respondent issued a search requisition and also sent an intimation of



arrest to the higher authorities stating that they are going to recover the contraband in the thorny bush opposite to the house of A1.

4.The learned counsel further submitted that the search requisition and the special report sent under section 42(2) of the NDPS Act were prepared at 12.15 hours on 25.07.2015, but the case was registered only at 14.30 hours on 25.07.2015, which would show that the respondent has already determined to foist a case against the petitioners. It is further submitted that the contraband was seized on 25.07.2015 and after filing of the petitions, it was sent to the court with a delay of 18 days, which would prove that the entire prosecution case is false.

5.The learned counsel further submitted that the respondent has not followed the mandatory provision of section 50 of the NDPS Act and if there is any violation, the petitioners are entitled for anticipatory bail. The learned counsel for the petitioners has produced the typed set of papers enclosing the search requisition prepared under section 42(2) of the NDPS Act and the special report prepared under section 42(1) of NDPS Act to substantiate his contentions.

6.The learned Government Advocate (Criminal side) submitted that A1 has involved in two previous cases and the present case involves commercial quantity and as per section 37 of NDPS Act, the petitioners are not entitled for anticipatory bail.

7.The respondent has filed a detailed common counter affidavit objecting grant of anticipatory bail to the petitioners.

8.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

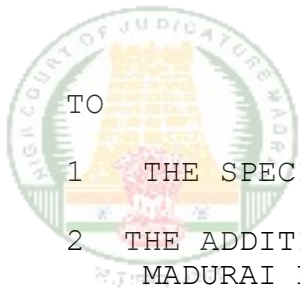
9.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Special Judge for EC and NDPS Act Cases, Madurai and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the **petitioners shall stay at Villupuram and report before the Villupuram Town Police station daily twice I.e., at 10.00 a.m and 05.00 p.m until further orders.** The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

10.The petitioners 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/-  
13/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)



TO

1 THE SPECIAL JUDGE FOR EC AND NDPS ACT CASES, MADURAI.

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

3 THE OFFICER INCHARGE,  
VILLUPURAM TOWN POLICE STATION, VILLUPURAM.

4 THE INSPECTOR OF POLICE,  
CUMBUM NORTH POLICE STATION, THENI DISTRICT.

+2. CC to M/S.S.POORNA CHANDRAN Advocate SR.No. 46374, 46375.

TS/18.08.2015/3P - 7C KBM/SAR -II

ORDER

IN

CRL OP (MD) Nos.14800 & 14801 of 2015

Date :13/08/2015