



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

Monday, the Thirty First day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.15641 of 2015

SATHISHKUMAR

... PETITIONER/ ACCUSED No.2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DIST.
CR. NO. 129 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.MAHENDRAPATHY Advocate

For Respondent : MRS.S.PRABHA, 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 offence punishable under section 8(c) r/w 20(b)(ii)(C) of NDPS Act, in Crime No.129 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

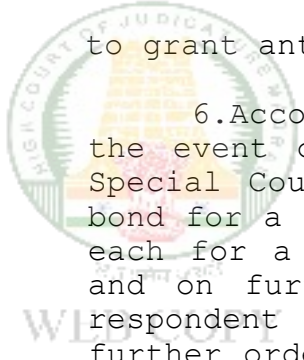
2.The case of the prosecution is that the accused were found in possession of 60 kgs of Ganja.

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 as per the prosecution, when the respondent police are conducting vehicle check up on 19.03.2015, the petitioner pushed the respondent police and flee away from the scene of occurrence, which cannot be believed. He further submitted that the respondent has seized the contraband on 19.03.2015, but they produced the same before the Special Court only on 06.04.2015 and the prosecution has not explained the delay of producing contraband before the Special Court. It is further submitted that A1 was arrested and released on bail by this court in Crl.O.P(MD)No.10704 of 2015, dated 03.07.2015.

4.The learned Government Advocate (Criminal side) appearing for the respondent vehemently opposed granting of anticipatory bail to the petitioner contending that this is a case of commercial quantity and the 1st accused is a habitual offender and hence, he is not entitled for anticipatory bail. It is further submitted that the petitioner has no bad antecedent.

<https://hcservices.ecourts.gov.in/hcservices/>

5.However, considering the facts and circumstances of the case and also considering the fact A1 was enlarged on bail, 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 Principal Special Court for EC & NDPS 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 Judge 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/-
31/08/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE INSPECTOR OF POLICE, CUMBUM NORTH POLICE STATION, THENI DIST.
 - 2 THE PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT CASES, MADURAI
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to M/S S.MAHENDRAPATHY Advocate SR.No.50282

ORDER
IN
CRL OP(MD) No.15641 of 2015
Date :31/08/2015

2P/5C
AM/03.09.2015/ AAL-MPA/SAR -I