



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

Friday, the Twenty First day of August Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
CRL OP(MD) No.16151 of 2015

1 S. VELU @ ANANDA VELU

2 LAKSHMI NARAYANAN@VINOD .. PETITIONERS/ ACCUSED RANK NOT KNOWN

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
ERWADI DHARGAA POLICE STATION,
RAMNAD DISTRICT.

(IN CR.NO. 122/2015)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.K.PRABAKARAN ADVOCATE

FOR RESPONDENT : MRS.S.PRABHA, GOVERNMENT ADVOCATE (CRL.SIDE)

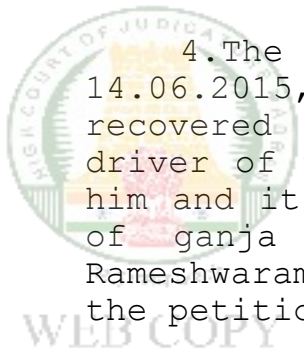
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 8(c) r/w 20(b)(II)(C), 23(C), 25, 29 of NDPS Act, 1985, in Crime No.122 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 14.06.2015, on getting secret information that the banded NDPS substances are smuggled to Srilanka, the special Sub Inspector of Police along with two Head Constables went to east Mangaleshwar Nagar sea shore around 03.30 hours and on seeing the police party, the smugglers escaped in a country boat and the police intercepted a mini lorry bearing Registration No.02 AJ 1386 and recovered 2 kgs of ganja and on the arrest of the fourth accused Nagaraj, another 2 kgs of ganja was recovered.

3.The learned counsel for the petitioners submitted that all the accused have been implicated in this case based on the confession of the fourth accused Nagaraj and the arrested accused namely Imran gave a confession/stating that another 650 to 750 kgs of ganja was transported by the accused from Chennai for the purpose of taking the same to Srilanka by using the country boat and on seeing the police party, they abandoned the same in the sea shore, however, based on the confession, the respondent has not recovered any and therefore, confession of the accused cannot put against these petitioners. He would further submit that the petitioners' name were not found in the FIR and the co-accused in this case were granted bail in CrI.O.P.Nos.14326, 14615, 14620, 13836, 14330 and 14627 and 2015 on 11.08.2015.



4.The learned Government Advocate (Crl.side) submitted that on 14.06.2015, the respondent police have intercepted a mini lorry and recovered 2 kgs of ganja from the lorry and after arresting the driver of the lorry namely Nagaraj, they seized another 2 kgs from him and it is further submitted that for recovery of 650 to 50 kgs of ganja in the coastal area, the custom preventive Unit, Rameshwaram has filed a separate case in O.R.No.2 of 2015 -2016 and the petitioner is not impleaded in that case so far.

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

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the Special Court for EC and NDPS Act Cases, Pudukkottai 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 appear before the respondent police daily twice ie., 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.

7. 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/-

21/08/2015

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

TO

1. THE SPECIAL COURT FOR EC AND NDPS ACT CASES,
PUDUKKOTTAI.
2. THE INSPECTOR OF POLICE,
ERWADI DHARGAA POLICE STATION, RAMNAD DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.PANDIARAJAN Advocate SR.No. 48696

ORDER

IN

CRL OP(MD) No.16151 of 2015

Date :21/08/2015