



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

Tuesday, the Seventeenth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4873 of 2015

VADIVU@SUDALAI VADIVU

... PETITIONER/ACCUSED NO.2

Vs

STATE REP BY INSPECTOR OF POLICE
THALAYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 87 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.MUTHUMALAI Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A-2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime number 87 of 2015 on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side).

3.It is the case of the prosecution that on 10.03.2015, A-1 was arrested by the police with 1.100 kilograms of ganja and on the confession statement of A-1, this petitioner is being implicated. There was only one previous case against the petitioner and that was also closed.

4.Taking into consideration these facts, this Court is of the view that it is a fit case for grant of anticipatory bail.

5.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.3, Tirunelveli, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned



Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police every day morning at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Judicial Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
17/03/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.3, TIRUNELVELI
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI
- 3 THE INSPECTOR OF POLICE, THALAYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.MUTHUMALAI Advocate SR.No.12567

ORDER
IN
CRL OP(MD) No.4873 of 2015
Date : 17/03/2015

AA/18.03.2015/2p- 6c/