



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

Wednesday, the Sixteenth day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

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CRL OP(MD) No.4535 of 2016

1 MARAGATHAVEL

2 KOMBAN @ MADASAMY

... PETITIONERS / ACCUSED 2 & 3

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

ALANGANALLUR POLICE STATION,

MADURAI DISTRICT.

(IN CRIME NO. 51 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S R.KARUNANIDHI 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 petitioners, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 8(C) r/w 20(B)(2)(b) of N.D.P.S.Act, in Crime No.51 of 2016, on the file of the respondent Police, seek anticipatory bail.

2. Heard Mr.R.Karunanidhi, learned counsel appearing for the petitioners / accused 2 and 3 and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is represented that the co-accused / fourth accused has already been enlarged on bail and there is no previous case as against the petitioners / accused 2 and 3, except the present case.

4. Taking into consideration the above facts, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioners / accused 2 and 3. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal Special Judge for Essential Commodities and N.D.P.S.Act Cases, Madurai District, on condition that each of the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



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- (i) the petitioners / accused 2 and 3 shall report before the respondent Police daily at 06.30 p.m., until further orders.
- (ii) the petitioners / accused 2 and 3 shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners / accused 2 and 3 shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners / accused 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners / accused 2 and 3 released on bail by the learned 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]**.

5. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
16/03/2016

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL SPECIAL JUDGE
FOR ESSENTIAL COMMODITIES AND NDPS ACT CASES,
MADURAI DISTRICT.
- 2 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.

+1. CC to M/S R.KARUNANIDHI Advocate SR.No.15036

ORDER
IN
CRL OP(MD) No.4535 of 2016
Date :16/03/2016

rg.AAL-MPA/SAR-I 17.03.2016 2P.5C