



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

Thursday, the Fourteenth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.11972 of 2017

1 ASAI THAMBI
2 MANIVASAGAM

... PETITIONERS / ACCUSED NO.2 & 3

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
MELUR POLICE STATION, MADURAI DISTRICT.
CRIME NO.723/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.G.RAJA GURU Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

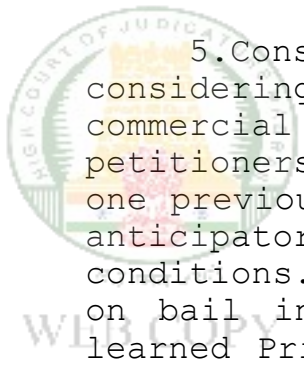
ORDER : The Court Made the following order :-

The petitioners / accused Nos.2 and 3, who apprehend 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 No.723 of 2017, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused are said to have found in possession of 1.100 kgs of Kanja.

3. The learned counsel appearing for the petitioners states that the petitioners are innocent person and they have been implicated in this case, as per the confession given by A1. He would further submit that the contraband seized is below the commercial quantity and there is no recovery from the petitioners herein. He would further submit that the petitioners are not at all present at the time of occurrence.

4. The learned Additional Public Prosecutor appearing for the respondent states that there are totally 3 named accused in this case and the petitioners herein are arrayed as A2 and A3 respectively. He would further submit that first petitioner / A2 is having 8 previous cases in similar type of offences on the file of the respondent Police and the second petitioner / A3 is having one previous case in Crime No. 335 of 2008 on the file of Melur Police Station for the similar type of offences and the contraband seized is below the commercial quantity and the same was recovered from A1 and the investigation is still pending.



5. Considering the facts and circumstances of the case and also considering the fact that the seized contraband is below the commercial quantity and that the same was not recovered from the petitioners herein and that the second petitioner / A3 is having one previous case in the year 2008, this Court is inclined to grant anticipatory bail to the 2nd petitioner alone, with certain conditions. Accordingly, the 2nd 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 and NDPS Act Court, 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 said Judge and on further condition that the 2nd petitioner shall appear before the Principal Special Court for EC and NDPS Act Court, Madurai daily at 10.30 am until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

6. The 2nd petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

Since the first petitioner / A2 is having 8 previous cases in similar nature of offences, this petition is dismissed against the first petitioner.

sd/-

14/09/2017

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL SPECIAL COURT FOR EC AND NDPS ACT COURT,
MADURAI.
- 2 THE SUB INSPECTOR OF POLICE,
MELUR POLICE STATION, MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.RAJA GURU Advocate SR.No.30903

ORDER

IN

CRL OP(MD) No.11972 of 2017

Date :14/09/2017