



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

Friday, the Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) Nos.1486 & 1616 of 2018

1 UMA

2 PANDIAMMAL

SILAMBARASAN

... PETITIONERS / ACCUSED NO.2 & 3
IN CRL OP(MD) No.1486/2018

... PETITIONER / ACCUSED NO.1
IN CRL OP(MD) No.1616/2018

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SEMPATTI POLICE STATION,
DINDIGUL DISTRICT.
IN CR.NO. 399/2017

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioners : M/S.M.JEGADEESH PANDIAN Advocate
IN BOTH THE PETITIONS

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

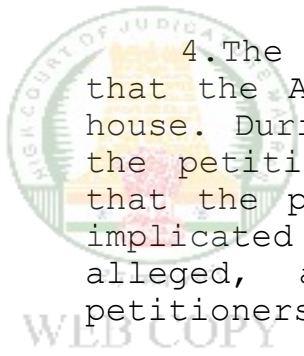
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P(MD).No.1486 of 2018 are arrayed as Accused Nos.2 and 3. The petitioner in Crl.O.P(MD).No.1616 of 2018 is arrayed as Accused No.1. Since case has been registered in the same crime number, it is convenient to pronounce the common order as follows;

2.The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 8 (c) r/w 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, on the file of the respondent Police, seek anticipatory bail.

3.The case of the prosecution is that on 25.11.2017, based on the secret information, the Inspector of Police conducted the raid in front of A3 house and found that three pockets, in which, 1st and 2nd pocket contains 10 kilograms of ganja each and 3rd pocket contains 6 kilograms of ganja. Totally 26 kilograms of ganja was seized after taking samples.



4.The learned counsel appearing for the petitioners submitted that the A1 and A2 are husband and wife. A3 is the owner of the house. During the time of alleged occurrence, no one was identified the petitioners in the scene of occurrence. He further submitted that the petitioners are innocent persons, they have been falsely implicated in this case, they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate(Criminal Side) appearing for the respondent police submitted that the respondent police seized 26 kilograms of ganja in front of the house of A3 and further submitted that A1 and A2 are kept the said contra band with the permission of A3. According to him, investigation is still pending.

6.Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the respondent police recovered 26 kgs of ganja from the house of A3. At the time of recovering ganja, the first and second accused are not present at the scene of occurrence. The learned Government Advocate(Criminal Side) without any documents to show that the contra band materials which were recovered during the course of investigation is belongs to A1 and A2, argued a case as A1 and A2 involved in this offence. Accordingly, the serious suspicious is arised over the case against the 1st and 2nd accused. Hence, this Court is inclined to grant anticipatory bail to the Petitioners/A1 and A2. 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 Special Court for E.C. And NDPs Act Cases, Dindigul, on condition that the petitioners/A1 & A2 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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:

7.With regard to A3 is concerned, this Court is not inclined to grant anticipatory bail, since the seized contra band is more than the commercial quantity.

- (i) the petitioners/A1 & A2 shall report before the respondent Police daily at 10.00 a.m. Until further orders.
- (ii) the petitioners/A1 & A2 shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners/A1 & A2 shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been



imposed and the petitioners 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].

sd/-
02/02/2018

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

TO

- 1 THE JUDGE,
THE SPECIAL COURT FOR EC AND NDPS ACT CASES,
DINDIGUL.
- 2 THE INSPECTOR OF POLICE
SEMPATTI POLICE STATION, DINDIGUL DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.JEGADEESH PANDIAN Advocate SR.No.1892

ORDER IN
CRL OP(MD) Nos.1486 & 1616 of 2018
Date :02/02/2018

MKV-CM-VR-SAR 3/7.2.2018/3P-5C