



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

Friday, the Ninth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2074 of 2018

1 VIGNESH
2 PALPANDI

... PETITIONERS/ ACCUSED NO.3 & 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SINDUPATTY POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.171 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.T.INDRACHITHU, Advocate
For Respondent : M/S.A.ROBINSON, Govt. 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 Nos.3 and 4, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 8(c), 20(b)(ii)(B) and 25 of NDPS Act, in Crime No.171 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused were found in possession of 5.500 kgs of Ganja while conducting raid by the respondent police and hence, the First Information Report.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioners along with other accused were found in possession of 5.500 gms of ganja and the same have been recovered. He would further submit that the co-accused were released on bail and the investigation is not yet completed.

5.The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the petitioners were found in possession of 5.500 gms of Ganja. As of now, the contraband has been seized and the co-accused in this case were also granted bail and furthermore, the contraband seized,

which was in possession of the petitioners, does not come under the category of commercial quantity.

6. Taking all the above said facts into consideration, this Court comes to the conclusion that in a case of this nature, custodial interrogation of the petitioners is not necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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 Court for EC & NDPS Act Court, Madurai, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:

(i) the petitioners shall report before the respondent police, daily at 10.00 a.m. until further orders;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners 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/-

09/02/2018

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

TO

1. THE PRINCIPAL SPECIAL JUDGE FOR
EC & NDPS ACT COURT, MADURAI.
2. THE INSPECTOR OF POLICE,
SINDUPATTY POLICE STATION, MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SELVAKUMAR, Advocate SR.No.2388

ORDER IN

CRL OP(MD) No.2074 of 2018

Date :09/02/2018