



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

Tuesday, the Twentieth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2623 of 2018

SEKAR @ THAADI SEKAR

... PETITIONER/ACCUSED No.4

Vs

THE STATE OF TAMILNADU REP BY
THE INSPECTOR OF POLICE
THINDIVANAM POLICE STATION,
THINDIVANAM,
(CRIME NO.519/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.CHILAMPARASAN Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(C) of NDPS Act, 1985 and u/s 4(1-aaa) of TNP Act, in Crime No.519 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused are alleged to have found in possession of 336 bottles of Indian made foreign liquor and 1.100 gms of Ganja. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the contra band materials are already recovered and the investigation is not yet completed.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioner found in possession of 336 Indian made Foreign Liquor bottles and 1.100 gms of Ganja and the said



contraband materials are already been recovered. Further, the quantity which was possessed by the petitioner is not under the category of commercial quantity. Hence, the custodial interrogation of the petitioner may not be necessary for completing the investigation. Thereby, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioner.

6. 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 Additional District and Sessions Judge / Special Judge under E.C. Act Cases, Thanjavur, on condition that the petitioner 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 petitioner shall appear before the respondent Police daily 10.00 a.m. until further orders.

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

(iii) the petitioner 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/-
20/02/2018

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



TO

1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE/SPECIAL JUDGE UNDER E.C. ACT CASES, THANJAVUR

2 THE INSPECTOR OF POLICE
THINDIVANAM POLICE STATION, THINDIVANAM

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.A.CHILAMPARASAN Advocate SR.No.2746

ORDER

IN

CRL OP (MD) No.2623 of 2018

Date :20/02/2018

SMA/PM-PN/SAR-4/26.02.2018:2P/5C