



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

Tuesday, the Thirteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2985 of 2018

KARTHICK

... PETITIONER / ACCUSED
Rank Not Known

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.1520 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.RAMU 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 :-

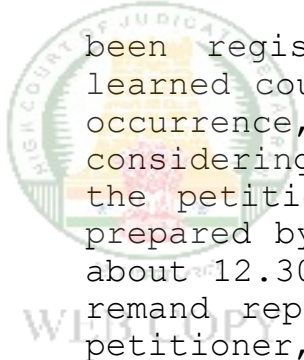
The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 8(c) r/w. 20(b) (C) NDPS Act., in Crime No.1520 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that on 10.08.2017, the respondent police searched the house at Door No.42-A, Balaji Nagar Extension, Madakkone Street, Thriuppalai and therein, he seized the 76 kgs of ganja and the vehicle. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioner and other two accused in this case were found in possession of 76 kgs of ganja, for which, this case has



been registered. Now, according to the submission made by the learned counsel appearing for the petitioner herein, on the date of occurrence, the petitioner was in the judicial custody. Now, considering the submission made by the learned counsel appearing for the petitioner, it would appear that the alleged F.I.R. has been prepared by the respondent police for this case is on 01.08.2017 at about 12.30 hours. On the other hand, on go through the copy of the remand report submitted by the learned appearing counsel for the petitioner, it appears that in a case registered by the Sub Inspector of Police, Sellur Police Station, Madurai District in Crime No.1589 of 2017, the petitioner has been produced before the learned Judicial Magistrate No.II, Madurai and remanded to the judicial custody on 31.07.2017. So, the learned counsel appearing for the petitioner established the fact that the petitioner is in confinement at the time of registering the F.I.R for this case.

6.In the above said circumstances, the confession statement given by the first accused before the police officers is not at all relevant to the case of the petitioner. Thereby, serious suspicious arised over the case of the prosecution. So, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, he 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 Principal Special Court for EC & NDPS Act Case, Madurai, 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:

(ii)the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.

(i) 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/-

13/03/2018

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TO

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT CASE,
MADURAI

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

3 THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI DISTRICT.

+1. CC to M/S.M.RAMU Advocate SR.No.3996

MSA

JAM/19/03/2018/ VR / SAR 1 / 3P-5C

ORDER

IN

CRL OP(MD) No.2985 of 2018

Date :13/03/2018