



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

Tuesday, the Thirteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3911 of 2018

MAHESWARI

... PETITIONER/ ACCUSED NO.2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT,
IN CR.NO. 446/2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.DEENADHAYALAN, Advocate

For Respondent : M/S.V.SARATHA DEVI, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 8(c) r/w. 20(b) (ii) (B) NDPS Act., in Crime No.446 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that on 30.12.2017 when the respondent police conducted a vehicle check up near Kariapatti, he found that the petitioner and another one accused were found possession of 1.100 kgs of ganja. 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 registering the case, the petitioner and another one accused were found in possession of 1.100 kgs of ganja. As of now, the contraband material, which was possessed by the petitioner was recovered. Admittedly, the petitioner is not having any previous antecedents. Since the quantity of contraband material is not comes under the category of commercial quantity, 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 Additional District and Sessions Judge/Presiding Officer, Special Court of E.C. and N.D.P.S Act Cases, Pudukkottai, 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 report before the respondent police daily at 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 petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

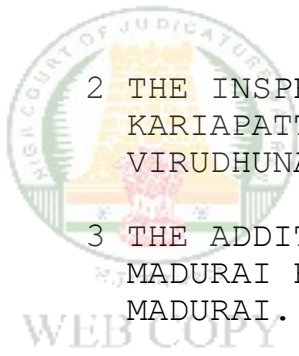
sd/-
13/03/2018

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

TO

1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE / PRESIDING OFFICER,
SPECIAL COURT OF E.C. AND N.D.P.S ACT CASES,
PUDUKKOTTAI.



2 THE INSPECTOR OF POLICE,
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.S.DEENADHAYALAN Advocate SR.No.4128.

ORDER

IN

CRL OP (MD) No.3911 of 2018

Date :13/03/2018

SDS/PN/SAR.1/19.03.2018/3P/5C