



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

Wednesday, the Twenty Ninth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.14780 of 2018

SEENI

... PETITIONER/ACCUSED No.1

Vs

STATE REPRESENT THROUGH,
THE INSPECTOR OF POLICE,
MELUR POLICE STATION,
IN CR NO 411 OF 2018,
MADURAI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.T.ANTONY ARUL RAJ, Advocate

For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU,
Government 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 Sections 8(c) and 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.411 of 2018, seeks anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent Police.

3. The petitioner's earlier anticipatory bail petition was dismissed, since it was alleged that the petitioner's past conduct is bad. The petitioner has come out with this second application for anticipatory bail. The learned counsel for the petitioner submitted that the Special Branch Inspector, by name, Mr.Stephenraj had arrested certain drug accused and based on the information given by them, he had raided the house of the petitioner. The learned counsel also confidently asserted that the said Stephenraj had given a special report in this regard.

4. This Court call upon the learned Government Advocate (Criminal side) to pass on the CD file. When this Court went through the contents of the CD file, the report of the said Stephenraj was found enclosed. The said report confirms the submissions now made by



the learned counsel for the petitioner. But the FIR reads otherwise. Since there is a total discrepancy between what is set out in the FIR and the report of the said Stephenraj, this Court entertain a serious doubt regarding the very genesis of the prosecution.

WEB COPY

5. It is also seen that the petitioner, though accused in two earlier cases, was acquitted in both cases. As established by the learned counsel for the petitioner, the cases date back to the year 2013.

6. Since this Court doubts the genuineness of the prosecution, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Melur, Madurai, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
29/08/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSPECTOR OF POLICE
MELUR POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.T.ANTONY ARUL RAJ Advocate SR.No.80733

ORDER
IN
CRL OP (MD) No.14780 of 2018
Date :29/08/2018