



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

Friday, the Sixteenth day of March Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4207 of 2018

TAMILSELVAN,

... PETITIONER/ACCUSED No.2

Vs

STATE REPRESENTED BY
THE SUB-INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
(CRIME NO.11 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.MAHENDRAN 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.2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act, in Crime No.11 of 2018, seeks anticipatory bail.

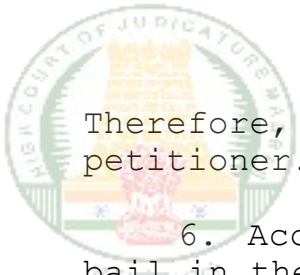
2.The case of the prosecution is that the petitioner and other accused are said to have found in possession of 5 Kgs of ganja. Thus, on complaint, a case has been registered against the petitioners.

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. He would further submit that based on the confession given by first accused only his name has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is not yet completed.

5.The submissions made by the learned counsel appearing on either side are considered.

6. This case has been registered against the petitioner, in which, the other accused in this case was found in possession of 5 Kgs of ganja. Admittedly, no contraband material was recovered from this petitioner. Hence, in order to complete the investigation, the custodial interrogation of the petitioner may not be necessary.



Therefore, this Court is inclined to grant anticipatory bail 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 Principal Special Court for EC & NDPS Act Court, 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:

(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/-

16/03/2018

/ TRUE COPY /

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

TO

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

+1. CC to M/S.V.MAHENDRAN Advocate SR.No.4235

ORDER

IN

CRL OP(MD) No.4207 of 2018

Date :16/03/2018