



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

Tuesday, the Twenty Seventh day of March Two Thousand and Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4302 of 2018

VIRUMANDI @ THISAI

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
SEDAPATTI POLICE STATION,
MADURAI DISTRICT.
IN CR.NO. 176/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.YAMUNA, 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/Accused No.1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 8 (c) r/w. 20(b) (ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.176 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that after receiving the secret information, the respondent police went to the house of A1 and A2 for search and found that they possessed 2 Kgs of Ganja in their house, thereby, the contraband was seized by the respondent police and the case has been registered for the above said offence.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the contraband was seized from the



accused. He further submitted that the petitioner is having 3 previous cases in the similar nature of offence. According to the prosecution, the investigation is in progress.

5. The submissions made by the learned counsel appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner found in possession of 2 Kgs of Ganja. As of now, the said contraband materials were recovered. So, custodial interrogation may not be necessary for completing investigation. Eventhough, the petitioner is having 3 previous cases in similar nature, those cases are registered in the year of 2014 and 2015. So, the contention raised by the learned Government Advocate(Criminal side) with regard to the pendency of the previous cases, cannot be taken into account in deciding this petition. Hence, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) 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 learned Additional Principal Sessions Judge for NDPS Cases, Madurai;
- (ii) the petitioner shall report before the respondent police, daily at 10.00 a.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) the petitioner shall not abscond either during investigation or trial;
- (vi) 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/-
27/03/2018

/ TRUE COPY /

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



TO

1 THE ADDITIONAL PRINCIPAL SESSIONS JUDGE,
NDPS CASES, MADURAI.

2 THE INSPECTOR OF POLICE,
SEDAPATTI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.R.YAMUNA Advocate SR.No.4869.

ORDER

IN

CRL OP(MD) No.4302 of 2018

Date :27/03/2018

SDS/PMI/SAR.1/02.04.2018/3P/5C