



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

Wednesday, the Twenty First day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4463 of 2018

1 CHINNAN
2 SELVARANI

... PETITIONERS / ACCUSED 2 & 3

Vs

THE STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE
KADUPATTI POLICE STATION,
MADURAI DISTRICT ,
IN CR.NO. 12/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.MAHENDRAPATHY Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

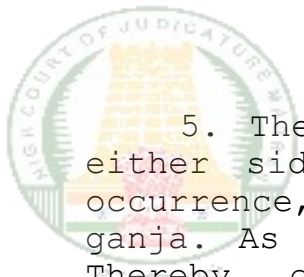
ORDER : The Court Made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 8(c) r/w.20(b)(ii)(B) of NDPS Act., in Crime No.12 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 26.01.2018, based on the secret information, the respondent police found that the petitioners herein were found in possession of 2.275 kgs of ganja. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution. Further added that they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that the first petitioner is having one previous case and the second petitioner is having four previous cases. He further added that the contraband material has been recovered by the respondent police. According to him, 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 petitioners were found in possession of 2.275 kgs of ganja. As of now, the entire contraband materials were recovered. Thereby, custodial interrogation of the petitioners may not be necessary for completing the investigation. However, as per submission made by the learned Government Advocate (Crl.Side) appearing for the State that the second petitioner/A3 is having four previous cases, in which, two cases are registered under the provisions of NDPS Act. Thereby, with regard to the second petitioner/A3 is concerned, this Court is not inclined to grant anticipatory bail.

6. With regard to the first petitioner/A2, the seized contraband material is not comes under the commercial quantity. Hence, this Court is inclined to grant anticipatory bail to the first petitioner/A2. 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 Judge of Principal Special Court for EC & NDPS Act Cases, Madurai, on condition that first petitioner/A2 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 first petitioner/A2 shall report before the respondent police daily at 10.00 a.m until further orders.
- (ii) the the first petitioner/A2 shall not tamper with evidence or witness either during investigation or trial.
- (iii) the first petitioner/A2 shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the first petitioner/A2 shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the first petitioner/A2 in accordance with law as if the conditions have been imposed and the first petitioner/A2 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/-
21/03/2018

/ TRUE COPY /



TO

1 THE ADDITIONAL DISTRICT JUDGE
OF PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT CASES,
MADURAI

2 THE SUB INSPECTOR OF POLICE
KADUPATTI POLICE STATION,
MADURAI DISTRICT

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

+1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No.4546

MSA

JAM/03/04/2018/ RR / SAR 4/ 3P-5C

ORDER

IN

CRL OP (MD) No.4463 of 2018

Date :21/03/2018