



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

Wednesday, the Tenth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.463 of 2018

DHINESH

... PETITIONER / ACCUSED No.5

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SINDUPATTY POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. 171 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SELVAKUMAR Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c), 20(b)(ii)(B) and 25 of NDPS Act, in Crime No.171 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 23.08.2017, when the respondent police conducted raid, the petitioner and other accused were found in joint possession of carrying a bag containing 5.200 kgs of Ganja.

3.The learned counsel appearing for the petitioner submitted that the seized contraband from the accused is below the commercial quantity and further submitted that the petitioner is innocent and he has been falsely implicated in this case and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that the alleged contraband materials were recovered only from the first accused in this case and already A.2 was granted anticipatory bail by this Court in Crl.O.P(MD)No.11772 of 2017 and further submitted that the investigation is still pending.



5.The submissions made by the learned counsel appearing on either side are considered. This case has been registered against the petitioner for the alleged offences under Sections 8(c), 20(b) (ii) (B) and 25 of NDPS Act. The alleged contraband materials were recovered only from the first accused in this case and already A.2 was granted with anticipatory bail, as per the order passed by this Court in CrI.O.P(MD)No.11772 of 2017. Hence nothing has to be recovered by way of interrogation from this petitioner.

6.Taking note of all the abovesaid aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. 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 10.30 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 abscond either during investigation or trial;

(v) 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 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/-
10/01/2018

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



TO

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT COURT ,
MADURAI

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

3 THE INSPECTOR OF POLICE
SINDUPATTY POLICE STATION,
MADURAI DISTRICT.

+1. CC to M/S.S.SELVAKUMAR Advocate SR.No.575

JAM/17/01/2018/CM-VR/ SAR 3 / 3p-5c

ORDER

IN

CRL OP(MD) No.463 of 2018

Date :10/01/2018