



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

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

CRL OP (MD) No.4762 of 2018

ANTHONY

... PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE  
SUSEENDRAM POLICE STATION,  
KANYAKUMARI DISTRICT.  
IN CR.NO. 660/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.BALAMURUGANANTHAM Advocate

For Respondent : MR.A.ROBINSON, Government Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.2, 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.660 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that on 11.12.2017, the petitioner was found in possession of 1.100 Kgs of Ganja, 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, since he is the husband of A1. Hence, he prays for grant of anticipatory bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>  
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



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 1.100 Kgs of Ganja. As of now, the said contraband materials were recovered. So, custodial interrogation may not be necessary for completing investigation. 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 Special District Judge for EC & NDPS Act Cases, Madurai, Madurai District;

(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.



1 THE SPECIAL DISTRICT JUDGE  
FOR EC & NDPS ACT CASES, MADURAI, MADURAI DISTRICT

2 THE INSPECTOR OF POLICE  
SUSEENDRAM POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.R.BALAMURUGANANTHAM Advocate SR.No.5042

GJM/PN/SAR-I-3.4.18-3P-5C

ORDER

IN

CRL OP(MD) No.4762 of 2018

Date :27/03/2018