



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

Monday, the Fifth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.876 of 2018

THANGAPANDI

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKKOTTAI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.263/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.MAHENDRAN, Advocate
For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

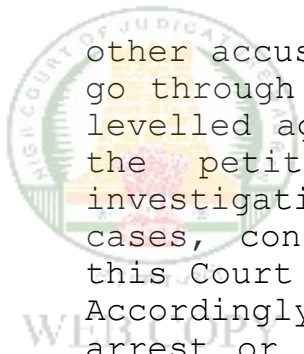
The petitioner/A2, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 8(c), 20 (b), (ii) (B) and Section 25 of NDPS Act, in Crime No.263 of 2016, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 12.12.2017, the respondent police conducted a raid along with his police party, they found that A1 in this case was in possession of 1.100 kgs of ganja. Hence, he was arrested and remanded to judicial custody on 07.05.2016.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the respondent police submitted that there are five previous cases are pending against this petitioner/A2. As per the confession statement given by other accused, this petitioner has been implicated in this case. According to him, investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner/A1 was in possession of 1.100 kgs of ganja. In the case of the petitioner, the petitioner/A2 is not involved in this offence. Further, the learned Government Advocate (Criminal Side) fairly submitted that as per confession given by the



other accused in this case, this petitioner has been implicated. On go through the entire averments made in the F.I.R, no allegation is levelled against this petitioner. Hence, custodial interrogation of the petitioner may not be necessary for completing the investigation. Even though the petitioner is having five previous cases, considering the nature of allegation levelled against him, this Court is inclined to grant anticipatory bail to the petitioner. 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 Principal Special Court for EC and 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 for a period of three weeks and thereafter as and when required for interrogation.

(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/-

05/02/2018

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

TO

1. THE PRINCIPAL SPECIAL JUDGE FOR
EC AND NDPS ACT COURT, MADURAI.
2. THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKKOTTAI POLICE STATION, MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.