



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

Friday, the Seventh day of September Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.15792 of 2018

1 SARAVANAN
2 KALAIYARASI

... PETITIONERS / ACCUSED NO.4 & 5

Vs

STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE
SELLUR POLICE STATION, MADURAI
(CRIME NO. 1409/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.JEGADEESH PANDIAN Advocate

For Respondent : MRS.M.ANANTHA DEVI
Govt. Advocate (Crl. Side)

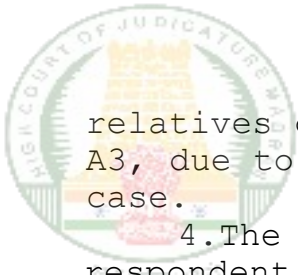
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8(C) r/w 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.1409 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 30.08.2018, the respondent police received a secret information, they took an inspection near opposite to Kubendran House in Melathoppu, at that time, the respondent police found five persons on the suspicion, the respondent right to approach the persons and found that they are in possession of 1.4 kg ganja. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that at the time of occurrence, the petitioners not at all present in the scene of occurrence. While at the time of seizure, the respondent police not even taken a single step to witnesses the Athachi by independent person. The seizure mahazar was prepared at about 12.30 hrs, seizure mahazar contains the crime number, it shows that the respondent was failed to follow the procedure under the NDPS Act. He further submitted that the petitioners are only



relatives of A2 and A3, they are residing nearby the house of A2 and A3, due to that reason, the petitioners have been implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the said contraband was recovered by the respondent police. Based on the confession of A2 and A3, these petitioners have been implicated and there is no previous is pending against these petitioners. He further submitted that the investigation is pending.

5.Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Special District Sessions Court for NDPS Act Cases, Madurai and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Special Judge concerned and on further condition that the petitioners shall appear before the respondent daily at 10.30 a.m. until further orders. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

6.The petitioners shall appear before the concerned Special Judge within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
07/09/2018

/ TRUE COPY /

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

TO

- 1 THE SPECIAL DISTRICT SESSIONS
FOR NDPS ACT CASES, MADURAI
- 2 THE INSPECTOR OF POLICE
SELLUR POLICE STATION, MADURAI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.M.JEGADEESH PANDIAN Advocate SR.No.17410

ORDER
IN
CRL OP(MD) No.15792 of 2018
Date :07/09/2018