



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

Monday, the Eighteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4047 of 2019

JEYAMARY

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
B4, KEERATHURAI POLICE STATION,
MADURAI DISTRICT.
(IN CRIME.NO.667/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR. C. SUSIKUMAR Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 8(c) r/w 20 (b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Cr.No.667 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner was found in possession of 3 Kg of Ganja

3.The learned counsel appearing for the petitioner would submit that the petitioner/A2 is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner is A2 and the property is recovered from A1 only.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is not having any previous case and that contraband was seized from A1 only and only based on the confession statement of the co-accused this petitioner was implicated.

5.Considering the facts and circumstances of the case and considering the fact that the entire property has been recovered and



contraband is seized only from A1, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Madurai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, 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]** ;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/03/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO-IV,
MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



+1. CC to Mr. C. SUSIKUMAR Advocate SR.No.5152

ORDER
IN
CRL OP (MD) No.4047 of 2019
Date :18/03/2019