



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

Friday, the Eighth day of February Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.420 of 2019

DEEPAKKUMAR

... PETITIONER/ACCUSED No.3

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
VEDASANDUR POLICE STATION,
DINDIGUL DISTRICT,
IN CRIME NO. 472 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.R.KARUNANIDHI, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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) 20(B) (ii)(B)(2) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.472 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that during vehicle check up the Law Enforcing Officers seized 1 ½ Kgs Kanja from the accused. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that no contraband was seized from him and in fact he was not at all present in the scene of occurrence. He would also submit that only based on the confession of the first and second accused, who were arrested and released on bail, the petitioner has been falsely implicated in this case.

4.The learned Additional Public Prosecutor would submit that no previous case is pending as against the petitioner.



5. Considering the facts and circumstances of the case and also considering the fact that the co-accused were arrested and released on bail and no contraband was seized from the petitioner, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Principal Special Court for EC and NDPS Act Case, 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 daily at 10.30. a.m., until further orders

(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]**; and;

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

sd/-

08/02/2019

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

TO

1 THE PRINCIPAL SPECIAL COURT
<https://hcservices.ecourts.gov.in/hcservices/>
FOR EC AND NDPS ACT CASES, MADURAI



2 THE INSPECTOR OF POLICE
VEDASANDUR POLICE STATION,
DINDIGUL DISTRICT

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

+1. CC to MR.R.KARUNANIDHI, Advocate SR.No.2711

ORDER
IN
CRL OP(MD) No.420 of 2019
Date :08/02/2019

PK/PN/SAR-/08.02.2019 : 3P/5C