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

Monday, the Eighth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5274 of 2019

1 IRUTHAYARAJ
2 VINOTH
3 THADHEYUS SESAIAH
4 JOSEHAPRATHAM JASUNASARAS ... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THARUVAIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.16 OF 2019 ... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.RAMESH ARUMUGAM 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 8(c) and 20 (b) (ii)(c) of NDPS Act, 1985, in Crime No.16 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 20.02.2019 at about 12.30 hours, when the defacto complainant namely Tharanya (Sub Inspector of Police) receiving a secret information and went to the occurrence place along with police officials. At that time, Accused Nos.1 to 3 were standing near a car bearing Registration No.TN 57B 2887, on seeing the respondent Police, the accused persons tried to run away, but the respondent police caught them and seized 2 Kgs of Kanja from the Accused Nos.1 to 3. Based on the confession of A1, the fourth accused/Sekar also arrested and these petitioners are arrayed as accused. Therefore, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in

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this case. He would further submit that the co-accused/A5 was also granted anticipatory bail by the Principal Special Court for EC & NDPS Court, Madurai and therefore, they may be granted anticipatory bail.

4.The learned Additional Public Prosecutor would submit the petitioners are arrayed as A7 to A10. The fourth accused in this case was arrested and gave confession given to the respondent, the petitioners are implicated as accused. He would further submit that and there is no previous case pending against the petitioners.

5.Considering the facts and circumstances of the case and since the co-accused was granted anticipatory bail by the Lower Court, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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 & NDPS Court, Madurai District on condition that the petitioners shall execute 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 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 petitioners and the sureties shall affix their photograph 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 petitioners shall report before the respondent police daily at 10.30 am., until further orders;

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

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
08/04/2019

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

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TO

1 THE PRINCIPAL SPECIAL COURT
FOR EC & NDPS COURT, MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE,
THARUVAIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.M.S.JEYAKARTHIK, Advocate SR.No. 6398

ORDER
IN
CRL OP(MD) No.5274 of 2019
Date :08/04/2019

JM/JC/SAR 2/16.04.2019/3P/5C

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