

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

Friday, the Twenty Sixth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5739 of 2019

RAJESH KUMAR

... PETITIONER / ACCUSED

Vs

1 THE SUB INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

...RESPONDENT/COMPLAINANT

2 THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.

... RESPONDENTS / RESPONDENT

For Petitioner : Mr.G.CENIL Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. 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 20(b)(ii) (B), 25,8(c) of NDPS Act 1985 in Cr.No.81 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 27.02.2019 when the respondent police is in usual vehicle check-up, intercepted the vehicle and on seeing the police the petitioner herein escaped from the scene of occurrence and the police seized 1.250 kgs of Ganja. Hence the complaint

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. He would also submit that petitioner and other peoples have given representation to the Superintendent of Police alleging that there was prostitution in that area and the respondent police did not take any action for which the petitioner made a complaint to the Superintendent of Police, due to wreck vengeance a false case has been registered against the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that there is no previous case pending against the petitioner and the entire contraband was not seized from the petitioner vehicle.

5.Considering the facts and circumstances of the case and also considering the fact that there no previous case pending against the petitioner and the contraband seized from his vehicle, this Court is inclined to grant anticipatory bail to the petitioner. 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 learned Special Sessions Judge, 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/-

26/04/2019

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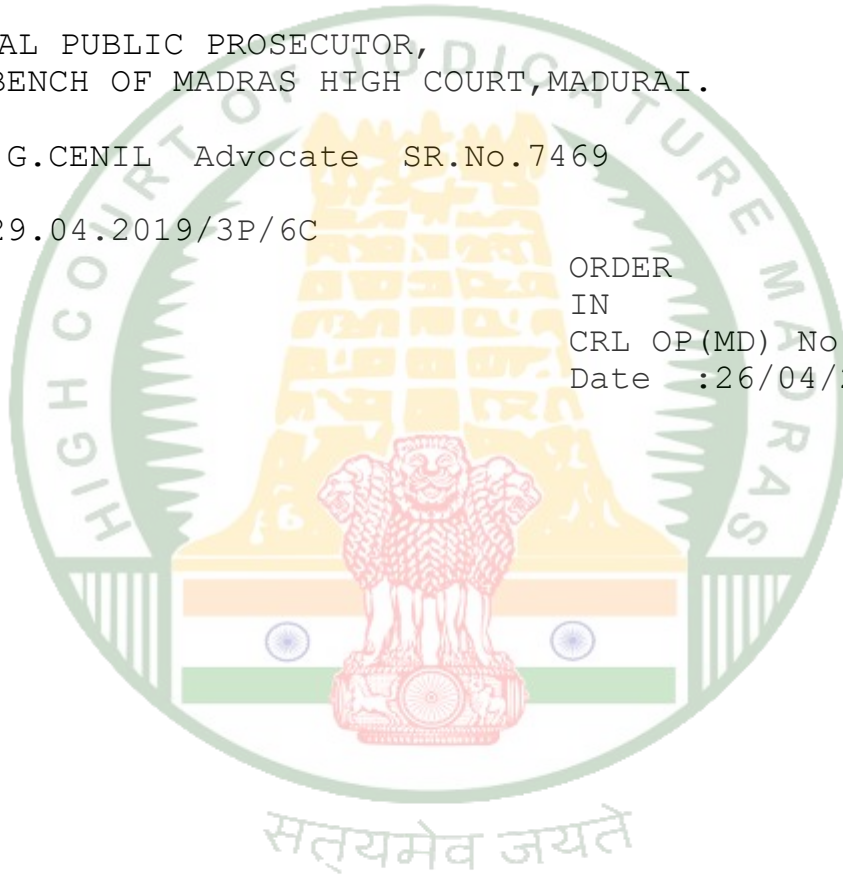
TO

- 1 THE SPECIAL SESSIONS JUDGE,
MADURAI.
- 2 THE SUB INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.G.CENIL Advocate SR.No.7469

PS/VR/SAR-4/29.04.2019/3P/6C

ORDER
IN
CRL OP(MD) No.5739 of 2019
Date :26/04/2019



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