

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7305 of 2019

GOVINDAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
OTHAKKADAI POLICE STATION,
MADURAI DISTRICT,
Crime No.97 of 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.VASANTHAN Advocate

For Respondent : Mr.R.ANANDARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who was arrayed as accused No.1, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii) © and 29(1) of NDPS Act in Crime No.97 of 2018, seeks anticipatory bail.

2.The case of the petitioner is that he was earlier arrested and released on bail in the above case and thereby, he was attending the case regularly from the year 2018 onwards. On 09.11.2018, non-bailable warrant was issued against him, due to his non-appearance. The petitioner undertakes that he will appear before the Court in future hearings and co-operate for the trial.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Additional Public Prosecutor fairly conceded that before 09.11.2018, the petitioner was regularly appearing before the trial court and facing trial proceedings. Only on 09.11.2018, non-bailable warrant was issued against the petitioner for his non-appearance.

5.The submissions made by the learned counsel appearing on either side are considered.

6.Considering the fact that the petitioner was regularly appearing before the trial court on earlier occasions, I am of the considered opinion that it is a fit case for granting anticipatory bail. Anticipatory bail is granted to the petitioner with some stringent conditions.

7. 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 Additional Principal Special Court for EC & NDPS Act Cases, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other Identity cards issued by the Government, in proof of their address, along with the surety bonds.

ii) the petitioner shall appear before the trial court daily at 10.30 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in the event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A I.P.C.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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]**.

sd/-
29/05/2019

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TO

1.THE ADDITIONAL PRINCIPAL
SPECIAL COURT FOR EC AND NDPS ACT CASES,
MADURAI.

2.THE INSPECTOR OF POLICE,
OTHAKKADAI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to Mr.M.VASANTHAN Advocate SR.No.8910

ORDER
IN
CRL OP (MD) No.7305 of 2019
Date :29/05/2019

TK/VR/SAR-1/31.05.2019/3P/5C



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