

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

Tuesday, the Twenty Fifth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8258 of 2019

1 BALAJI

2 VASANTHA

... PETITIONER / ACCUSED NO.2 & 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VELIPALAYAM POLICE STATION,
NAGAPATTINAM DISTRICT.

(CRIME NO.164/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.JAMEEL ARASU Advocate

For Respondent : MR.V.NEELAKANDAN, 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 offences punishable under Sections 18(c) r/w.20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 seeks anticipatory bail.

2. Heard both sides. सत्यमेव जयते

3. The learned counsel for the petitioner would submit that he is withdrawing the petition insofar as the first petitioner is concerned. He further submitted that insofar as the second petitioner is concerned even as per the First Information Report, the petitioners were found in possession of 1.100kg of Ganja. He would further submit that no previous case is pending against the second petitioner. Hence he prays to grant anticipatory bail to the second petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners were found in possession of 1.100kg of Ganja. He would also submit that there are three previous cases pending against the first petitioner. Hence he opposed to grant anticipatory bail to the petitioners. However he fairly conceded that no previous case is pending against the second petitioner.

5. Taking into consideration the fact and circumstance of the case and even as per the First Information Report, the petitioners were found in possession of 1.100kg of Ganja and also considering the fact that there is no previous case pending against the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner.

[6] Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned the Additional District and Sessions Judge, Special Judge under E.C.Act Cases, Thanjavur on condition that the second 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the second petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the second petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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 229A IPC.

7. As regards the first petitioner, this petition is dismissed as withdrawn

sd/-
25/06/2019

/ TRUE COPY /

TO

1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE,
SPECIAL JUDGE UNDER E.C.ACT CASES,
THANJAVUR.

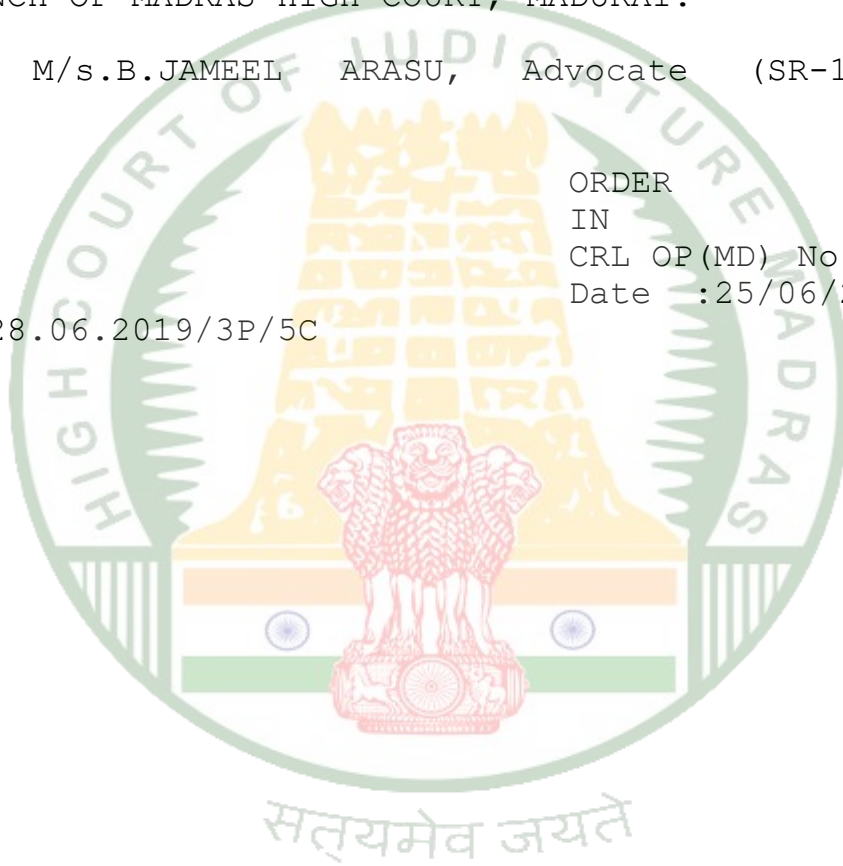
2 THE INSPECTOR OF POLICE,
VELIPALAYAM POLICE STATION,
NAGAPATTINAM DISTRICT.

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

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-10466[I] dated
26/06/2019)

ORDER
IN
CRL OP(MD) No.8258 of 2019
Date :25/06/2019

JM/VR/SAR 3/28.06.2019/3P/5C



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