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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 25/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8641 of 2019

Nathiya ... Petitioner/Accused
Rank Not Known

Vs

State rep by
The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
Crime No.253 of 2019 ... Respondent/Complainant

For Petitioner : M/s.S.Ramachandra Pradeep,
Advocate.
For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime NO.253 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8(c),20 (b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the above case. He would also submit that the recovery was made only from A1 and based on the confession give by A1, this petitioner is being implicated in this case. He further submitted that even as per the First Information Report, the petitioner was found in possession of 4.100kg of Ganja. He would further submit that no previous case is pending against the petitioner. Hence he prays to grant anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in possession of 4.100kg of Ganja and the said quantity comes under the category of intermediate quantity. Hence he opposed to grant anticipatory bail to the petitioner. However he fairly conceded that no previous case is pending against the petitioner.

5. Taking into consideration the fact and circumstance of the case and even as per the First Information Report, the petitioner was found in possession of 4.100kg of Ganja and the said quantity comes under the category of intermediate quantity and also considering the fact that there is no previous case pending against 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for E.C and N.D.P.S act cases, 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 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 petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
25/06/2019

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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 Special Court for E.C and N.D.P.S act cases,
Madurai

2.The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.RAMACHANDRA PRADEEP, Advocate (SR-10615[I] dated 27/06/2019

ORDER
IN
CRL OP(MD) No.8641 of 2019
Date : 25/06/2019

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TK/JC/SAR.3/28.06.2019/3P/5C

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