



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

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.932 of 2019

JAYAKODI

... PETITIONER / ACCUSED NO.4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VELIPALAYAM POLICE STATION,
NAGAPATTINAM DISTRICT.
(CRIME NO.416/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.G.THANDAYUTHAPANI, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

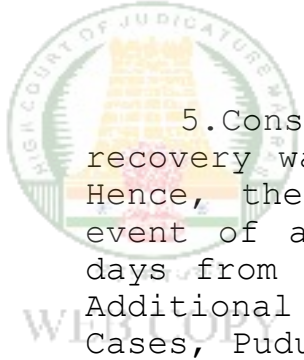
ORDER : The Court Made the following order :-

The petitioner / A4, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 8 (c) r/w 20 (b) (ii) (C) of NDPS Act in Crime No.416 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on 04.12.2017 at about 03.30 p.m., while the respondent police was patrolling with police team, the petitioner along with other accused was transporting 20.200 kgs of Ganja as illegally. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, there was no recovery from the petitioner and he has been falsely implicated in this case. Accordingly, the petitioner prayed for bail and the learned counsel further contended that the petitioner is ready to abide by any of the conditions that is to be imposed by this Court.

4.The learned Additional Public Prosecutor appearing for the State would submit that the investigation is still pending. Since the co accused have enlarged on bail, he vehemently opposed for granting bail to the petitioner.



5. Considering the facts and circumstances of the case, the recovery was made only from A1, the A1 was also enlarged on bail. Hence, 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 Additional District Judge for Princiapal Special Court for NDPS Act Cases, Pudukkottai, 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 learned 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 petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/02/2019

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

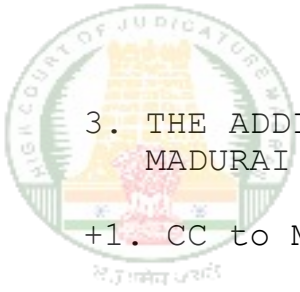
TO

1 THE ADDITIONAL DISTRICT JUDGE FOR
PRINCIAPAL SPECIAL COURT FOR NDPS ACT CASES,
PUDUKKOTTAI.

2 THE INSPECTOR OF POLICE

<https://hcservices.ecourts.gov.in/hcservices/>

VELIPALAYAM POLICE STATION, NAGAPATTINAM DISTRICT.



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

+1. CC to Mr.G.THANDAYUTHAPANI Advocate SR.No.2569

WEB COPY

ORDER

IN

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Date :07/02/2019

MS/VR/SAR-3/14.02.2019/3P.5C