



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.936 of 2019

THEERTHA KUMAR

... PETITIONER / ACCUSED RANK NOT
KNOWN

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
KALAIYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT
IN CRIME NO.16 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.MOHAN Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

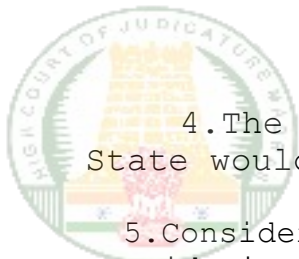
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / A2, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 8 (c), 20 (b) (ii) (B) of the Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.16 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that while the respondent police was on patrol duty with police team on Sivagangai - Kalaiyarkovil Road near Alagapuri Bus Stop, they found that one Dinesh Kumar, who is arrayed as A1 had sold Ganja in a bike and therefore, they arrested A1 and seized 1.100 kgs of Ganja and registered a case.

3.The learned counsel for the petitioner would submit that A1 and A2 are friends and A2 handed over his two wheeler to A1 and at the time of occurrence, the Ganja recovered only from A1 and based on the confession of A1, the respondent police implicated the petitioner / A2 and hence, the allegation levelled against the petitioner is false. Accordingly, the learned counsel for the petitioner prayed for anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the State would submit that the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner, who is arrayed as A2, handed over his two wheeler to his friend / A1 and the Law Enforcing Agency recovered the contraband only from A1 and based on his confession, the petitioner has been implicated in this case as A2, 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 and Sessions Court / 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

/ TRUE COPY /

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



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/
SPECIAL COURT FOR NDPS ACT CASES,
PUDUKOTTAI

2 THE INSPECTOR OF POLICE
KALAIYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT

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

+1. CC to MR.A.MOHAN Advocate SR.No.2695

ORDER

IN

CRL OP (MD) No.936 of 2019

Date :07/02/2019

MSI/JC/SAR.3/26.02.2019-3P:5C