



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

Tuesday, the Twenty Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21774 of 2018

MAHENDRAN

... PETITIONER / ACCUSED No.3

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT.
Crime No.736 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.MUNIYANDI Advocate

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

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

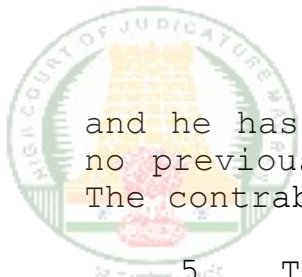
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 8(c) r/w.20(b)(ii)(B) of NDPS Act in Cr.No.736 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that on 14.10.2018 the respondent police on secret information had gone to the house of A1 and on seeing the police party except Mala @ Malathy other accused escaped from the scene of occurrence Thereafter it was found that Mala was found in possession of 2.25 kgs of Ganja and the contraband was seized.

3. The learned counsel for the petitioner would submit the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence. He would further submit based on the confession statement given by the co-accused this petitioner has been implicated. He would also submit that the petitioner is an agriculturalist and he is doing his work in the village

4. The learned Additional Public Prosecutor would submit that the petitioner is involved in similar type of case in the year 2004



and he has been pleaded guilty in that case and as of now there is no previous case pending against the petitioner of similar nature. The contraband has been seized from the other accused.

5. Taking into consideration the facts of the case and the submissions by learned counsels and the fact that there is no case pending against the petitioner, this Court 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 on his appearance, before the Principal Special Court for EC and NDPS Act cases, Madurai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/01/2019

/ TRUE COPY /



TO

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

2. THE SUB INSPECTOR OF POLICE
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to Mr.S.MUNIYANDI Advocate SR.No.1612

ORDER

IN

CRL OP (MD) No.21774 of 2018

Date :29/01/2019

TK/VR/SAR-1/06.02.2019/3P/5C