



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.6739 of 2019

Vinoth

... Petitioner/Accused No.2

Vs

The State rep.by
The Sub-Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
Crime No.235/2019

... Respondent/Complainant

For Petitioner : M/s.S.Muniyandi,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

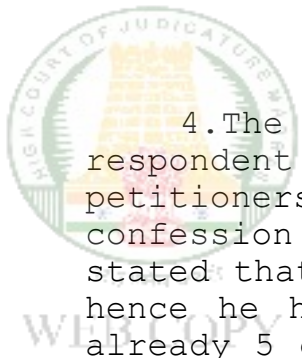
For Anticipatory bail in Cr.No.235/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8 (c) r/w 20 (b) (ii) (B) of NDPS Act, in Crime No.235 of 2019, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that as per the FIR, only one accused namely, Kannan was in possession of 2.550 Kgs of Ganja. Only based on the confession given by Kannan, this petitioner has been arrayed as accused. He further submitted that the petitioner has not committed any offence and therefore he prayed to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent has submitted that even though in the FIR, the petitioner's name has not been mentioned, after arresting A1, a confession was recorded from him and in the said confession he has stated that this petitioner was also involved in the above case and hence he has been arrayed as accused. He further submitted that already 5 cases are pending against the petitioner and therefore he strongly opposed this petition.

5. In the FIR, it is stated that on seeing the police, two persons tried to run away from the scene of occurrence and one person was arrested and he was enquired and he disclosed that his name is Kannan @ Rajaram and other persons who ran away from the place. Except the said statement no other material has been produced by the prosecution to show that the petitioner herein is also involved in the above case. In the particulars furnished by the learned Additional Public Prosecutor it is stated that the 5 cases were already registered against the petitioner herein. Out of the 5 cases, one case was also ended in acquittal and only 4 cases are pending against the petitioner herein. The Ganja said to have been seized from the accused No.1 is weighing about 2.550 Kgs and the said quantity does not fall in the category of commercial quantity.

6. Taking into consideration the above facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, 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 learned Principal Special Court for EC & 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 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:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) since the petitioner is Government Servant, she shall report before the respondent police daily at 10.30 a.m for a period of one week and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

<https://hcservices.ecourts.gov.in/hcservices/> (iv) the petitioner shall not abscond either during investigation or trial.



(v) 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 petitioners 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/07/2019

/ TRUE COPY /

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

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.11597

ORDER
IN
CRL OP(MD) No.6739 of 2019
Date :11/07/2019

dss
TK/VR/SAR.4/19.07.2019/3P/5C