



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9663 of 2019

Ravi @ Ravichandran

... Petitioner/Accused No.2

Vs

The Inspector of Police,,
Batlagundu Police Station,
Dindigul District
(Cr.No.126/2019).

... Respondent/Complainant

For Petitioner : M/s.A.P.Balasubramanian,
Advocate.

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

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

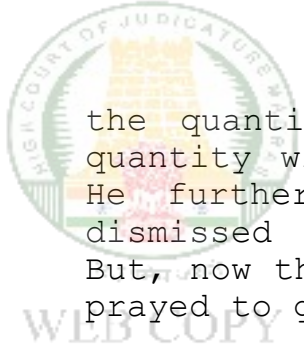
PRAYER :-

For Anticipatory bail in Cr.No.126 of 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) and 20(b), (ii), (B) of NDPS Act, 1985 in Crime No.126 of 2019, seeks anticipatory bail.

2.The learned counsel for the petitioner has submitted that the petitioner herein has been falsely implicated in the above case, based on the confession given by A-1. He further submitted that even in the said confession, he has stated that he purchased ganja from the petitioner herein and after selling the same, he will pay the amount to the petitioner and except the said bald allegation, no other material has been produced by the prosecution to connect the petitioner with the above crime. He has further submitted that



the quantity involved in this case is 1 kg 100 g and the said quantity will not come under the category of commercial quantity. He further submitted that the previous bail application was dismissed on the ground that investigation is at initial stage. But, now the investigation might have been completed. Therefore, he prayed to grant anticipatory bail to the petitioner.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that based on the confession given by A-1, the petitioner has been implicated in the above case. He further submitted that the petitioner is having two previous cases and therefore, he strongly opposed this petition.

5. A perusal of the order passed by this Court in CrI.O.P. (MD).No.5374/2019 shows that this Court has dismissed the said anticipatory bail petition, which was filed by the petitioner herein as if the alleged possession of ganja comes under the category of 'commercial quantity.' Actually, as per the F.I.R, only 1.100 kgs of ganja was found in possession of A-1. The said quantity will not come under the category of 'commercial quantity'. Further in the F.I.R, it is stated that only one person i.e A-1 was found in possession of 1.100 kgs of ganja and only based on the confession given by him, the petitioner herein has been added as accused. Even in the said confession, he has stated that he purchased the ganja from the petitioner and after selling the same, he will return the amount to him. Except the said bald statement, no other evidence has been produced by the prosecution to implicate the petitioner with the above crime.

6. Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner, by imposing certain conditions.

7. 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 learned Additional District Judge for Principal Special Judge 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) 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 Judge concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Judge 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/-
19/07/2019

/ TRUE COPY /

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

TO

- 1.THE ADDITIONAL DISTRICT JUDGE FOR
PRINCIPAL SPECIAL JUDGE FOR EC AND
NDPS ACT CASES, MADURAI
- 2.THE INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9663 of 2019
Date :19/07/2019

vs
PK/VR/SAR-4/01.08.2019 : 2P/4C