



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

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22062 of 2018

PREM @ PREMKUMAR

... PETITIONER / ACCUSED NO.7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SELLUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO.1554/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.MAHARAJAN, 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 offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 25 and 29(1) of NDPS Act, 1985 in Cr.No.1554 of 2018 seeks anticipatory bail.

2. The petitioner, who has been arrayed as A7 in this case, is studying B.Sc.Computer Science in American College, Madurai. The case of the prosecution is that on 18.09.2018, the respondent police have received an information about the illegal transportation of Ganja. Thereafter, the respondent police went to the place of occurrence, i.e., bridge located opposite to Meenakshi College. At that time, two persons came by a two wheeler bearing registration number TN 57 BA 3223 (Honda Shine) and they met one person. While they are talking themselves, on seeing the respondent police, all the persons tried to escape from the scene of occurrence. The persons, who came in the bike, namely, Kamu, s/o.Natarajan, Palanisamy, s/o.Thirumaya Goundar were arrested. In search of bike, 2 kgs of Ganja was available in the bike. On the basis of the confession statement, the respondent police went to one Jeevanantham's residence located at Dindigul and obtained two white colour gunny bags weighing 1.5 kgs each from the accused persons namely Suriya, w/o.Jeevanantham and Vijayalakshmi, w/o.Sankar.



Totally 5 kgs Ganja was seized in this case. The prosecution has fixed the petitioner as a person, who had escaped from the scene of occurrence.

3. The contention of the petitioner is that the petitioner is a college student and due to misguideness, he seems to have developed bad friendship. The petitioner is attempted to be falsely implicated in this case. The petitioner, who is studying in 2nd year B.Sc.Computer Science, is now dismissed from the College authorities after coming to know about this case. Entire future of the petitioner is at stake. Hence, he prays anticipatory bail.

4. The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged offence.

5. The learned Government Advocate (crl. Side) would submit that there is no previous case against the petitioner.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court inclined to grant anticipatory bail to the petitioner.

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 Special Sessions Judge for NDPS 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 said Magistrate, on further conditions that:

[a] if the petitioner fails 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 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 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 229-A IPC.

sd/-
11/01/2019

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

TO

1. THE SPECIAL SESSIONS JUDGE FOR NDPS CASES,
MADURAI.
 2. THE INSPECTOR OF POLICE
SELLUR POLICE STATION, MADURAI DISTRICT.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.V.MAHARAJAN Advocate SR.No.859

ORDER
IN
CRL OP(MD) No.22062 of 2018
Date :11/01/2019

MS/VR/SAR-1/23.01.2019/3P.5C