



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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22846 of 2018

M. SIVASAMY

... PETITIONER / ACCUSED NO.1

Vs

STATE REPRESENTED BY,
THE SUB INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.

Crime No.521 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.PORKODI KANNAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(C), 20(b)(ii)(B) of NDPS Act, 1985, in Cr.No.521 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the respondent police arrested one Mr.Sabu on 16.11.2018 at Kambam Mettu and recovered 1.250 Grams of Kanja from him. The said Sabu confessed that the said contraband was purchased from the petitioner namely Sivasamy and had given a entire address of the petitioner and thereafter the respondent police had gone to the house of the petitioner and thereafter he was arrayed as first accused and all the mandatory provisions were followed.

3.The contention of the petitioner is that the petitioner has strained relationship with one Jeyakumar, who is influential person, having some police contact. Further, the petitioner's house residence was known to the respondent and they have conducted a search in the house of the petitioner and no contraband and no incriminating materials were found.

4.The learned Government Advocate (Crl.side) appearing for the respondent has filed a counter affidavit and would submit that the petitioner is having no previous case.



5. Taking into consideration the facts of the case and the submissions by learned counsels, 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, 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, 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 condition that:

[a] if the petitioner failed 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/01/2019

/ TRUE COPY /

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



TO

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

2. THE SUB INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S. POLAX LEGAL SOLUTIONS Advocate SR.No.1060

ORDER

IN

CRL OP (MD) No.22846 of 2018

Date : 22/01/2019

TK/JC/SAR-1/28.01.2019/3P/5C