



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

Monday, the Twenty Eighth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22855 of 2018

PRADEEP

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PALANCHETTIPATTI POLICE STATION,
THENI DISTRICT.
CRIME NO.693 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SELVAKUMAR, 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 Sections 8(C) read with 20(b)(ii) B of NDPS Act, in Cr.No.693 of 2018 seeks anticipatory bail.

2.The case of the prosecution is that on 03.12.2018, the respondent police conducted a raid along with his police party at nearby Kodangipatti Kadai Street, at the time the petitioner and other accused were intercepted and carrying a bag containing 1.250 kgs of Ganja possession for the petitioner and other accused. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offences as alleged by the prosecution and he has been falsely implicated in this case and therefore, he may be granted anticipatory bail.

4. The learned Additional Public Prosecutor would submit the petitioner is the son of the first accused. The first accused in this case was arrested and she gave confession given to the respondent. He would further submit that and there is no previous case pending against the petitioner.



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, before the Principal Special Court for EC & NDPS Act Court, 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/01/2019

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

TO

- 1 THE PRINCIPAL SPECIAL JUDGE FOR
EC & NDPS ACT COURT, MADURAI
- 2 THE INSPECTOR OF POLICE,
PALANCHETTIPATTI POLICE STATION,
THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.J.JEYA ARON RAJA, Advocate SR.No.1686

ORDER IN

CRL OP(MD) No.22855 of 2018
Date :28/01/2019