



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.12152 of 2019

Vishnu G Pillai

... Petitioner/Accused-5

Vs

The Inspector of Police,
NIB CID, Madurai.
Crime No.96 of 2018.

... Respondent/Complainant

For Petitioner : M/s.V.Janakiramulu, Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

for Anticipatory Bail in Crime No.96 of 2018 on the file of the
Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 8(c),
20(b) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in
Crime No.96 of 2018, on the file of the respondent police, seeks
anticipatory bail.

3.The respondent police intercepted the vehicle bearing
Registration No.KL-29-K-7640 (TOYOTA ETIOS) on 02.10.2018 at about
6.40 p.m., near Iyengar Bakery in Bye Pass Road. The commercial
quantity of Ganja to the tune of 126 kgs recovered from the
occupants of the car. The occupants of the car were arrested as
accused 1 to 4, in Crime No.96 of 2018, registered on the file of
the respondent. Final report was filed in April 2019 and the same
was taken on file as C.C.No.222 of 2019, on the file the Special
Court of EC and NDPS Act Cases, Madurai. The petitioner herein has
been arrayed as 5th accused in the said case. Therefore, the said
petitioner has filed this petition for anticipatory bail.



4. Since commercial quantity of Ganja is involved, the petitioner has to necessarily fulfil the requirement set out in Section 37 of NDPS Act. The petitioner is not having any previous case. But then, the materials on record must indicate that the petitioner is not guilty of the offences in question.

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4. The learned counsel for the petitioner would submit that he is admitting the ownership of the vehicle in question. But then he had given it on hire to Sinoy of Thrissur, Kerala. Accused 1 to 4 herein had taken the vehicle on hire from the said Sinoy and misused the same.

5. This Court called upon the learned Government Advocate (Crl. side) to indicate the materials which indicate the culpability of the petitioner herein. The investigating officer is present along with the relevant records. Except owning the vehicle in question, the petitioner has no other connection with the crime. From the records, the respondent is unable to point out any materials that can possibly implicate the petitioner herein. This Court went through the confession made by the other accused. Even they would state that they had taken the vehicle on hire only from Sinoy.

6. Therefore, I am satisfied that there is no prima facie material indicating the culpability of the petitioner herein. Since the petitioner is not having any previous case to his credit, the other parameter set out in Section 37 of NDPS Act is also satisfied.

7. Taking note of the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District and Sessions Court of EC and NDPS Act Cases, Madurai, and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
09/09/2019

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



TO

1.THE DISTRICT AND SESSIONS COURT OF EC AND NDPS ACT CASES,
MADURAI.

2.THE INSPECTOR OF POLICE,
NIB CID, MADURAI.

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

+1. CC to Mr.V.JANAKIRAMULU Advocate SR.No.15206

ORDER

IN

CRL OP(MD) No.12152 of 2019

Date :09/09/2019

TK/SKN/SAR.3/16.09.2019/3P/5C