



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2019

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PRESENT

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

CRL OP (MD) . No.12732 of 2019

M. Kali @ Kaliraj,

... Petitioner/Accused No.2

Vs

State Rep by
The Inspector of Police,
Cumbum North Police Station,
Theni District.
(In Cr.No.290/2019).

... Respondent/Complainant

For Petitioner : M/s. R. Balamuruganantham,
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.290 of 2019 on the file of the respondent

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)(ii)(B) of Narcotics Drugs and Psychotropic Substances Act, 1985, in Crime No.290 of 2019 on the file of the respondent police, seeks anticipatory bail.

3. The learned counsel appearing for the petitioner submits that the petitioner was having quite a few cases registered against him under the NDPS Act. He was only a small time peddler earlier.



But because of his past, the respondent Police is booking a false case against him for statistical purpose.

4. The learned counsel demonstrated his contention by drawing my attention to Crime No.215 of 2019 registered on the file of the Cumbum North Police Station for the very same offences and that case also, one Mookkan aged about 82 years was shown as first accused. In the present case also, Mookkan is the first accused. The place of occurrence is near Nagavalliamman Temple. The FIR is virtually identical. In both the cases, a white color bag was involved. They were going from north to south. In both cases, when Mookkan was being searched, kaliraj pushed away the police and ran towards west. The present FIR is a carbon copy of the earlier FIR. It is so obvious that the case on hand is a put up one.

5. In view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Special Court for EC, NDPS Act Cases, Madurai, Madurai District, 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.

6 . 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/-
13/09/2019

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

TO

1. the Special Court for EC,
NDPS Act Cases, Madurai, Madurai District.
2. The Inspector of Police,
Cumbum North Police Station, Theni District



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.R. Balamuruganantham, Advocate Sr. No.15353

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ORDER IN
CRL OP (MD) No.12732 of 2019

TR/PN/SAR-II (17.09.2019) 3P 5C