



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

Date : 16/06/2020

PRESENT

The Hon`ble **Mr.Justice M.DHANDAPANI**

CRL OP(MD) . No.6201 of 2020

V.ESWARAN ... PETITIONER/ACCUSED RANK NO.2

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO. 361 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.I.Sabeer Mohamed,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

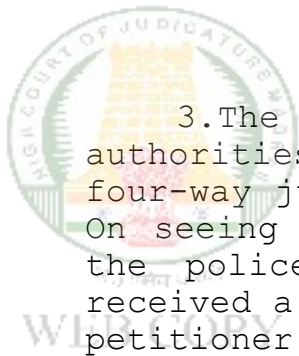
PRAYER :-

To enlarge the Petitioner/Accused on bail in the event of his arrest or surrender in the case in Cr.No.361 of 2020 on the file of the Respondent police and pass such further or other orders.

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(3) r/w 20(b)(ii)(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.361 of 2020 on the file of the respondent police, seeks anticipatory bail.



3.The case of the prosecution is that on 21.04.2020, the police authorities, based on the secret information, went to Vaigai river four-way junction, where the first accused was standing with a bag. On seeing the police, the first accused was trying to escape, but the police caught hold him and recovered 740 grams Ganja and received a confession statement that the second accused, namely, the petitioner herein gave Ganja and sent him to sale the same. Hence, the case has been registered.

4. The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and hence, prays for grant of bail to the petitioner.

5.The learned Government Advocate (criminal side) appearing for the State submitted that based on the confession statement given by the first accused, the second accused has been arrayed as A2 in this case. He would further submit that the accused was standing in Vaigai river four-way junction for selling the contraband in school premises. He further submitted that no previous case as against this petitioner is pending and the investigation is under progress.

6. Considering the facts and circumstances of the case and also considering the fact that no case is pending as against the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions:

(i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judge, Special Court for NDPS Act, 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 Judge concerned;

(ii) The petitioner shall appear before the respondent police daily at 05.00 p.m for interrogation.

(iii) 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]***; and;

(iv)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. 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.



8.The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-

16/06/2020

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

TO

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

ORDER

IN

CRL OP(MD) No.6201 of 2020

Date :16/06/2020

SKN

JM/PN/SAR 2/23.06.2020/3P/4C