



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6269 of 2020

Sivasethupathi

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Sindhupatti Police Station,
Madurai District.
Crime No.137 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Prabhu,
Advocate.

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

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

PRAYER :-

To enlarge the Petitioner on bail in the event of his arrest in Cr.No. 137 of 2020 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 U/s.8 (c), 20(b)(ii)(B), 25 Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.137 of 2020 on the file of the respondent police, seek/s anticipatory bail.

3. The case of the prosecution is that on 13.04.2020 at about 14.00 p.m. while the respondent police was patrolling the vehicles, the petitioner and two other accused illegally transported the Ganja weighing about 2 k.g. by two wheeler. On seeing the police A2 and A3 were flee away from the occurrence and A1 was arrested and remanded into judicial custody.



4.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the respondent police. The petitioner has no previous case.

5.The learned Government Advocate (Crl. Side) would concede that the petitioner has no previous case and the petitioner is the supplier of Ganja to the main accused. On confession of A1 the petitioner was arrayed as accused in this case and investigation is pending.

6.Considering the facts and circumstances of the case and considering the fact that the petitioner has no previous case, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

(i) Accordingly, petitioner is ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thirumangalam 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;

(ii) The petitioner shall appear before the respondent police daily at 5.00 p.m. for a period of two weeks thereafter as and when required 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 themselves 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/-
19/06/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
SINDHUPATTI POLICE STATION, MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.6269 of 2020

Date :19/06/2020

MS/PN/SAR-3/22.06.2020/3P.5C