



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/06/2020

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6358 of 2020

Muniyasamy,
(Name Wrongly Mentioned as Kunji
Muniyasamy in Fir) ... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District
(In Crime No.93 of 2020). ... Respondent/Complainant

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

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

PRAYER :-

For Anticipatory Bail in Crime No.93/2020 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 & Psychotric Substances Act,
1985, in Crime No. 93 of 2020 on the file of the respondent police,
seeks anticipatory bail.

3. The case of the prosecution is that on 30.03.2020 at 12.40
noon, when the police team conducted vehicle check up at Kadaladi
Vilakku Road in Mudukulathur, the accused along with two other
accused trying to escape from the police with 1.500 kg Ganja.



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 Pillion rider of A1. On confession of A1 the petitioner was arrayed as A3 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 EC and NDPS Act Cases, Pudukkottai 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

/ TRUE COPY /

/ /2020

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



TO

1 THE JUDGE,
EC AND NDPS ACT CASES, PUDUKKOTTAI

2 THE INSPECTOR OF POLICE,
MUDUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.6358 of 2020

Date :19/06/2020

TM

AE/PN/SAR-II (22.06.2020) 3P 4C