



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

Date : 02/07/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
CRL OP(MD) . No.6413 of 2020

WEB COPY

Thangavelu

... Petitioner/Accused

Vs

The State rep by
The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District
Cr No.195/2020.

... Respondent/Complainant

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

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime no.195 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 4(1)(a) of TNP Act and Section 8(c) and 20(b)(ii)(A) of NDPS Act seeks anticipatory bail.

2. The petitioner herein is a tasmac supervisor at Alaikathavalasai. During the lock down period the respondent police has arrested A1 to A3 for being found in possession of liquor bottles and 250 gm of Ganja. Arrested accused have confessed to the respondent police that they procured the liquor bottle from the petitioner herein. Since it is a lock down period the tasmac shops were stated to be closed, it is alleged by the prosecution that the petitioner has stocked the liquor bottles and sold it to A1 to A3 in this case.

3. The learned counsel for the petitioner would submit that the petitioner is the resident of Achangukulam and due to lock down, he has gone to his native and his native is nearly 110 kms away from the tasmac shop and he has not sold any liquor bottle to any person.



4. On perusing the submission made by the learned counsel for the petitioner and the content in the First Information Report the allegations against the petitioner is only diversion of liquor bottles during the lock down period and he has no role regarding possession of 250 of ganja recovered from the other accused. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Ramanathapuram on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

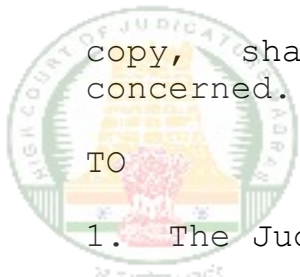
[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02.07.2020

/ TRUE COPY /

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

<https://heservices.ecourts.gov.in/Heservices/>
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct



copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Judicial Magistrate No.II, Ramanathapuram.

2. -Do- Through The Chief Judicial Magistrate,
Ramanathapuram.

3. The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.

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

ORDER

IN

CRL OP(MD) No.6413 of 2020

Date : 02/07/2020

VB SKN SAR 2 (03.07.2020) 3P 5C