



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2020

CORAM:

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

CRL OP(MD). No.6444 of 2020

Manipillai @ Mani,

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
M. Kallupatti Police Station,
In Crime No. 86 of 2020,
Madurai.

... Respondent/Complainant

For Petitioner : M/s.C.Susi Kumar,
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. 86 of 2020

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 Section 8(c) r/w20(b), (ii) (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.86 of 2020, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on receipt of secret information, the police party went near M.Perumalpatti, where, on seeing the police party, the 1st accused tried to ran away from the place, however, A1 was caught hold by the Police and also recovered



2 Kgs and 200 grams of Ganja from him and based on the confession of A1, the petitioner, who is arrayed as A2, has been implicated in this case.

4. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and she did not involve any offence, as alleged by the prosecution. In fact, there is no specific allegation against the petitioner in the FIR and only based on the confession given by the co-accused, the petitioner has been implicated in this case.

5. The learned Government Advocate (crl.side) appearing for the State, on instructions, would submit that on receipt of secret information, the police party went near M.Perumalpatti, where, on seeing the police party, the 1st accused tried to ran away from the place, however, A1 was caught hold by the Police and also recovered 2 Kgs and 200 grams of Ganja from him and based on the confession of A1, the petitioner, who is arrayed as A2, has been implicated in this case. He would further submit that investigation in this case is in progress.

6. Considering the facts and circumstances of the case and also considering the fact that no contraband was seized from the petitioner and the petitioner has been implicated, based on the confession given by A1, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

(i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the NDPS Court, Madurai on her 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 / Judge concerned;

(ii) The petitioner shall appear before the respondent police daily at 05.00 p.m until further orders, 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 petitioners 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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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDGE,
NDPS COURT, MADURAI.
2. THE INSPECTOR OF POLICE,
M. KALLUPATTI POLICE STATION,
MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6444 of 2020
Date :19/06/2020

MPK
AE/PN/SAR-II (23.06.2020) 3P 4C