



WEB COPY

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

Date : 26/06/2020

PRESENT

The Hon'ble Mr.Justice RMT.TEEKAA RAMAN

CRL OP(MD) . No.6471 of 2020

Anbukadavul

... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
Dindigul Town West Police Station,
Dindigul District.
(Crime No. 522 of 2018).

... Respondent/Complainant

For Petitioner : Mr.R.Anand,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

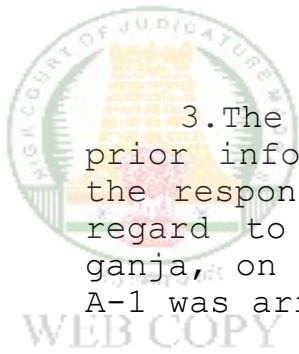
PRAYER :-

For Anticipatory Bail in Crime No. 522 of 2018 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 Additional Public Prosecutor 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/w 20(b)(ii)(b) of NDPS Act, in Crime No. 522 of 2020 on the file of the respondent police, seeks anticipatory bail.



3.The case of the prosecution is that on 01.06.2020, based on prior information, when the Sub Inspector of Police attached with the respondent police was in search of finding out the crimes with regard to the drug trafficking, two persons were pocketing the ganja, on seeing the police party, the petitioner herein ran away. A-1 was arrested, from him, 1.250 kg of ganja has been seized.

4.The learned counsel appearing for the petitioner would submit that due to previous enmity, the respondent police foisted a false case as if the petitioner was administered with NDPS offence and also projected the complaint as if the petitioner is an innocent and he did not commit any offence as alleged by the prosecution.

5.The learned Additional Public Prosecutor appearing for the State, on instructions, would submit that the petitioner discarded the police party and ran away from the scene and the first petitioner was arrested on 22.10.2018 and seized ganja weighing about 1.250 kgs and the matter is still under investigation. He would further submit that the first accused was released on bail subsequently.

6.Taking into consideration of the rival submission and the co-accused released on bail, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions:-

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

(ii)The petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders.

(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.

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sd/-
29/06/2020

/ TRUE COPY /

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

TO

1. THE JUDGE, PRINCIPAL SPECIAL COURT FOR
EC & NDPS ACT COURT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
DINDIGUL TOWN WEST POLICE STATION,
DINDIGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6471 of 2020
Date :29/06/2020

CP
TE/JC/SAR-III : 01/07/2020 : 3P/4C