



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/06/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CRL OP(MD) . No.6792 of 2020

Anbukadavul

... Petitioner/Accused

Vs

State represented by

The Inspector of Police,

Dindigul Town West Police Station,

Dindigul District

(Crime No.512 of 2018). ... Respondent/Complainant

For Petitioner : M/s.M.Ganga Priya,
Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in the event of their arrest in connection with Cr.No. 512 of 2018 on the file of the respondent police.

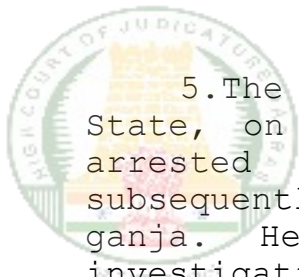
ORDER : The Court made the following order :-

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 sections 8(c) r/w 20(b)(ii)(b) and 25 of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No. 512 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 12.10.2018, based on secret information, when respondent police had gone for raid, the petitioner and other were jointly in possession of 1.250 kgs ganja.

4. The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent and he has been falsely implicated in the above said case.



5.The learned Additional Public Prosecutor appearing for the State, on instructions, would submit that the first accused was arrested and remanded judicial custody on 12.10.2018 and subsequently, he was released on bail considering the quantum of ganja. He would further submit that the the matter is still under investigation.

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6.Considering the fact that the co-accused has already been 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.

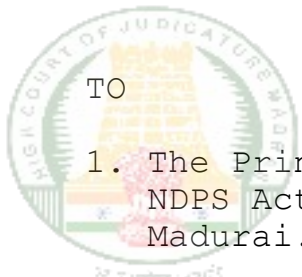
7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

8.The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
26.06.2020

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



TO

1. The 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.6792 of 2020
Date : 26/06/2020

VB SKN SAR (30.06.2020) 3P 4C