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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

RESERVED ON : 23.04.2021

PRONOUNCED ON : 30.04.2021

PRESENT

**THE HON`BLE MR.JUSTICE G.CHANDRASEKHARAN**

**CRL OP (MD) . No.77 of 2021**

Ragul

... Petitioner/Accused No.3

Vs

The State Rep.by,  
The Inspector of Police,  
Ayyampettai Police Station,  
Thanjavur District.  
Crime No. 1406 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Saranya.D,  
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,  
Government Advocate (Crl.Side)

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

PRAYER :-

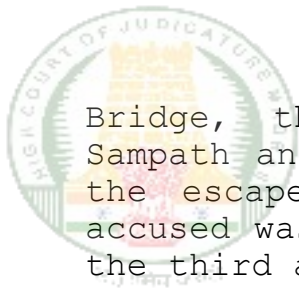
For Anticipatory Bail in Crime No.1406 of 2020 on the file of the Respondent Police.

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 8(c) and 20(b) (ii) (B) of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.1406 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The allegation against this petitioner and other accused is that on 07.12.2021 at about 11 am, when the police party, on prior information, conducted raid near Kavalur Thottam, Vettattru



Bridge, they found the accused, namely, Balamurugan, Sanjeevi Sampath and one accused escaped from the spot. It is revealed that the escaped person was one Ragul. It is stated that the first accused was in possession of 1.100gms of ganja . This petitioner is the third accused and he is said to have escaped from the spot.

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4.The learned counsel for the petitioner submitted that the petitioner is a college student and he was no way involved in the crime. He has been implicated on the basis of the confession statement of the co-accused.

5.The learned Government Advocate (Criminal) opposed this petition.

6.Taking note of the fact that the petitioner is a college student and the contraband involved in this case is 1.100gms and the fact that the contraband was also recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judge, Special Court for EC Act Cases, Thanjavur 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judge concerned and 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 respondent police daily at 10.30 am., until further orders.
- 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/-  
30/04/2021

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

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 JUDGE, SPECIAL COURT FOR EC ACT CASES,  
THANJAVUR
- 2.THE INSPECTOR OF POLICE,  
AYYAMPETTAI POLICE STATION,  
THANJAVUR DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.77 of 2021  
Date :30/04/2021

vrn  
PK/AKM/SAR-I/18.05.2021 : 3P/4C