



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

Date : 09/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.2437 of 2021

1. Rajkumar
2. Muniraj
3. Annamalai

... Petitioners/Accused Nos.2,4 & 6

Vs

State rep.by
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District
Crime No. 52/2021.

... Respondent/Complainant

For Petitioners : Mr.G.Karuppasamy Pandian,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Additional Public Prosecutor

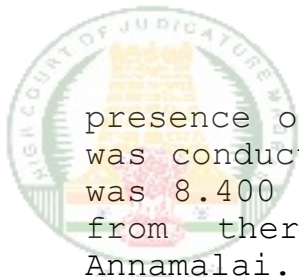
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.52 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 8(c), 20(b)(ii)(B) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.52 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 04.02.2021 at about 12.30 pm., when the defacto complainant was in duty, the secret informant informed about the illegal transport of ganga. The defacto complainant along with police party went in search of the movement of the offender at State Bank Colony, M.Vadipatti. At about 01.00 pm., he had gone to Backiyalakshmi's house at M.Vadipatti to Batlagundu cross road and he found a two wheeler bearing Registration No.TN 57 BZ 9722 along with five persons and a plastic bag. On seeing the police, five persons escaped from there and the police got Backiyalakshmi and seized the plastic bag. Backiyalakshmi was informed about her right to be searched in the



presence of the Judicial Magistrate. On her willingness, a search was conducted. It was found from the seized plastic bag that there was 8.400 Kgs. She revealed the names of the persons, who escaped from there as Rajkumar, Puthuraja, Muniraja, Tamilkumar and Annamalai. Therefore, the present case came to be registered.

WEB COPY

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been implicated on basis of the confession statement of co-accused.

4.The learned Additional Public Prosecutor opposed this petition on the ground that the investigation is not completed. He further submitted that the second petitioner is arrested on 22.05.2021.

5.Since the second petitioner is arrested, this criminal original petition is not maintainable as against the second petitioner. Hence, this criminal original petition is dismissed as against the second petitioner.

6.It is seen from submission made by the learned Additional Public Prosecutor, the contraband involved in this case is 8.500 Kgs, which is intermediate quantity. There is no recovery from the petitioners 1 and 3.

7.Taking note of the fact that the material witnesses are official witnesses and the contraband had been recovered, this Court is inclined to grant anticipatory bail to the petitioners 1 and 3 with certain conditions.

8.Accordingly, the petitioners 1 and 3 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakkottai, Dindigul, on condition that the petitioners 1 and 3 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 Magistrate concerned and on further condition that:

[a]the petitioners 1 and 3 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 petitioners 1 and 3 shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c]the petitioners 1 and 3 shall not tamper with evidence or witness either during investigation or trial;



[d]the petitioners 1 and 3 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 petitioners 1 and 3 in accordance with law as if the conditions have been imposed and the petitioners 1 and 3 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/-

09/07/2021

/ TRUE COPY /

/ /2021

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 JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL DISTRICT.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2437 of 2021

Date :09/07/2021

IAS

AE/MNR/SAR-IV/13.07.2021/3P/5C