



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

Date : 25.06.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.3025 of 2021

Keman @ John Keman

... Petitioner/Accused No.3

Vs

State Represented by,
The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
Crime No.186/2019.

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar, Advocate

For Respondent : Mr.M.Muthumanikkam,
Counsel for Government of TamilNadu
(Criminal Side)

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

PRAYER :- For Anticipatory Bail in Crime no. 186 of 2019 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c) r/w Sections 20 (b) (ii) (B) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.186 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that on 23.12.2019, at about 07.00 pm, when the defacto complainant along with other deputed police officials were engaged in preventing offences relating to the Narcotic Drugs and Psychotropic Substances Act, 1985, they found three persons namely, Murugan, Yesa and Keman, loading pockets in the boat at Pamban Thoppukadu Beach. On seeing the Police Party, the accused escaped. On search, the Police Officials found 5 pockets each with 2 Kgs of Ganja, totally 10 Kgs of Ganja and they seized the same. Hence, the complaint.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated in this case. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Counsel for the Government of Tamil Nadu (Criminal Side) appearing for the respondent police opposed this petition on the ground that investigation is pending.

5. Taking note of the fact that though this case was registered on 23.12.2019, till date, the respondent Police has not arrested the petitioner and also the fact that the Ganja involved in this case is of intermediate quantity, with a view to bring the investigation to close and proceed with the trial, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Principal Special Court for EC and NDPS Act Cases Pudukottai, on condition that the petitioner shall execute 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 Magistrate 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Principal Special Judge for EC and NDPS Act Cases Pudukottai.

[c]the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[d]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f]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].

[g]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/06/2021

/ 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 PRINCIPAL SPECIAL JUDGE
FOR EC AND NDPS ACT CASES,
PUDUKOTTAI.
2. THE INSPECTOR OF POLICE,
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.3025 of 2021
Date :25/06/2021

MBI
MS/PN/SAR-2/29.06.2021/3P.5C