



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.3822 of 2021

Selvam @ Muthuselvan

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District
Cr No.42/2021.

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

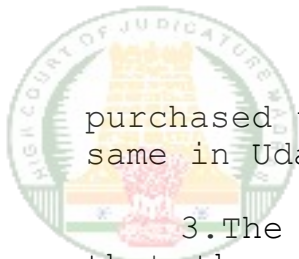
PRAYER :-

For Anticipatory Bail in Crime No.42 of 2021 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 offences punishable under Sections 8(c) r/w 20(b) (ii) (B) of NDPS Act in Crime No.42 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 01.02.2021 the respondent police, on information that kanja is being sold in Udankudi, gone to the said place. At that time, they have seen some persons were stood and having one bag and two of them, fled away from the scene of occurrence on seeing the police persons and the respondent police caught one person, namely Arun and enquired him after following statutory conditions and it was found that he is having 100 grams of kanja, which was banned by the Tamil Nadu Government and thereafter, the contraband was seized and the present case was registered and also the said Arun was arrested. In his confession, he has stated that the petitioner and A3 and he



purchased the kanja from one unknown person in Madurai and sell the same in Udankudi area.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that A1 and the petitioner are same villagers and except that there is no connectivity between them and nothing has been seized from the petitioner herein. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that after following all the statutory conditions, the present case has been registered and nothing has been violated. He would further submit that there is no previous case against the petitioner.

5.Considering the above facts and circumstances of the case and considering the fact that there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Principal Special Court for EC & NDPS Act Cases, Madurai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

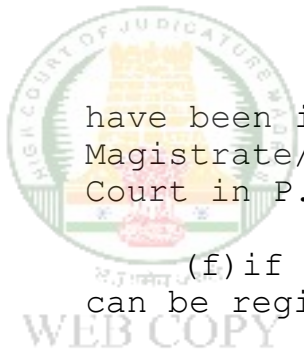
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall appear before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(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]; and;

(f)if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/03/2021

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/ /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,
MADURAI
- 2.THE INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3822 of 2021
Date :19/03/2021

gns
PK/VR/25.03.2021 : 3P/4C