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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.07.2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.5263 of 2021

J.Puthu Raja

... Petitioner/Accused No.3

Vs

The State Rep. by,
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
(Crime No.52 of 2021).

... Respondent/Complainant

For Petitioner : Mr.J.Selvam,
Advocate

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Criminal Side)

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

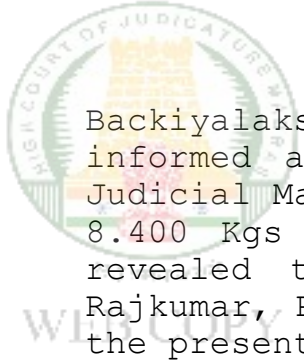
PRAYER :-

For Anticipatory Bail in Crime no.52 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged 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, seeks anticipatory bail.

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



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 and 8.400 Kgs of Ganja was found from the seized plastic bag. 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.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated on basis of the confession statement of co-accused. Therefore, he seeks anticipatory bail to the petitioner.

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

5. The contraband involved in this case is 8.4 Kgs, which is intermediate quantity and it is recovered. There is no recovery from the present petitioner. Further the material witness are official witnesses in this case. Taking above factors into consideration, this Court is of the view that custodial interrogation of the petitioner is not necessary and hence, 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 Judge for EC and 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 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 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/-
16/07/2021

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

ORDER
IN
CRL OP(MD) No.5263 of 2021
Date :16/07/2021

mbi
USK/SRS/SAR-I : 22/07/2021 : 3P/4C