



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16.07.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5379 of 2021

Sathish Kumar

... Petitioner/Accused No.3

Vs

The State of Tamil Nadu Represented through
The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.
In Crime No.63 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Navaneetharaja, 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.63 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) and 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.63 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 10.03.2021, at about 08.00 hours, on prior information, the respondent Police was engaged in searching offenders in this case on Paramakudi - Mudhukulathur Road at Vilathur Vilaku. At about 08.30 hours, they found the accused coming in two wheeler bearing Registration No.TN 65 AX 2455. One person escaped and the Police apprehended Karuvelakkani and Rajkumar. The accused informed that the person who escaped is Sathish Kumar. The accused was informed about their right to be searched in the presence of the Judicial Magistrate or Gazetted Officer. On their willingness, a search was conducted by the Police and 2.3 Kgs of Ganja was found in possession of the accused. 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 2.3 Kgs, which is intermediate quantity and it is recovered. The accused had been arrested and the vehicle had also been seized. 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 Judicial Magistrate, Paramakudi 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 JUDICIAL MAGISTRATE,
PARAMAKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
EMANESWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5379 of 2021
Date :16/07/2021

MBI
MK/SRS/SAR.I/22.07.2021/3P/5C