



WEB COPY

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

RESERVED ON : 23.04.2021

PRONOUNCED ON : 30.04.2021

PRESENT

THE HON`BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL OP(MD).No.5775 of 2021

Alex @ Alagesan @ Azhageswaran ... Petitioner/Accused No.1

Vs

State Rep.by

The Inspector of Police,

NIB CID,

Theni.

Crime No. 15 of 2021..

... Respondent/Complainant

For Petitioner :M/s.Vikram S,
Advocate.

For Respondent :Mr.K.R.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

C-32AB. For Anticipatory Bail in Crime No.15 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The case of the prosecution against this petitioner and the other accused is that, on prior information, the second accused namely Sankar Ganesh was apprehended by the respondent police at 11am on 25.02.2021, he was in possession of white colour sack. On examination, it was contained 1.300gms of ganja. On further examination, it is revealed that the ganja belonged to one Alex @ Alegesan @ Alageshwaran. Therefore this case.

3.The learned counsel for the petitioner submitted that the petitioner was wrongly implicated in the case, on the basis of the confession statement of the co-accused.



4.The learned Government Advocate (Criminal) opposed this petition.

5.Considering the fact that the contraband involved in this case is only 1.300gms and that has been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

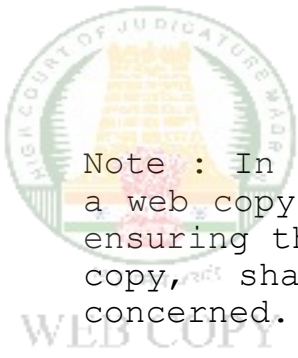
6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judge, Principal Special Court for NDPS Act Cases, Madurai and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judge 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/-
30/04/2021

/ 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 JUDGE,
THE PRINCIPAL SPECIAL COURT FOR NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE, NIB CID, THENI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5775 of 2021
Date :30/04/2021

VRN
CSL/05.05.2021 : 3P/4C