



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

Date : 30/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5897 of 2021

Guru @ Guruchendrapandi

... Petitioner/Accused No.4

Vs

State Rep. by
The Sub Inspector of Police,
Gudalur North Police Station,
Theni District.
Crime No.849 of 2020.

... Respondent/Complainant

For Petitioner : Mr.Thangamani.B,
Advocate.

For Respondent : Mr.Kr.Bharathikannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.849 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B) and 25 of NDPS Act, in Crime No.849 of 2020 on the file of the respondent police, seeks anticipatory bail

2.The case of the prosecution is that on 17.09.2020 at about 04.00 p.m., based on the secret information given by the informant, the respondent police conducted a vehicle check-up at Gudalur-Cumbum Main Road near PSC Theater, at that time, the petitioner along with others were found in possession of 1.250 kg of Ganja in white colour gunny bag. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that based on the confession statement of the co-accused, this petitioner has been implicated in the present case. Hence, he seeks



4.The learned Government Advocate (Crl.Side) would submit that the co-accused has already been arrested and released on bail.

5.Taking note of the fact that the quantity of Ganja involved in this case is 1.250 kg, which is intermediate and in between quantity and the fact that the co-accused has already been arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for N.D.P.S. Act Cases, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 am., until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 thereafter absconds, 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.

WEB COPY

TO

- 1 THE JUDGE,
SPECIAL COURT FOR N.D.P.S. ACT CASES,
MADURAI.
- 2 THE SUB INSPECTOR OF POLICE,
GUDALUR NORTH POLICE STATION,
THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5897 of 2021
Date :30/04/2021

SJI
JM/VR/SAR IV/07.05.2021/3P/4C