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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/05/2021

PRESENT

The Hon'ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.6724 of 2021

Madhan @ Mathiyalagan

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Boothapandi Police Station,
Crime No.407/2020,
Kanyakumari District.

... Respondent/Complainant

For Petitioner : Mr.Susi Kumar.C,
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.407 of 2020 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 petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 8 (c) r/w 20 (b) (ii) (B) and 25 of NDPS Act, 1985 in Crime No. 407 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that based on the secret information, the de-facto complainant along with other deputed



police conducted a search in the petitioner's house and at that time, they found 2 Kgs of Ganja in the upstairs of the said house. Hence, the case has been registered for the offences as stated above against the petitioner and others.

4. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. Hence, the learned counsel seeks anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is having no previous case.

6. Taking into consideration the facts and circumstances of the case and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. 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 NDPS Court, Madurai and on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the Court concerned and on further conditions that:

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

(b) the petitioner is directed to deposit a sum of Rs.500/- (Rupees Five Hundred only) to the credit of IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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



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

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sd/-
13/05/2021

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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 JUDGE,
NDPS COURT, MADURAI.
2. THE INSPECTOR OF POLICE,
BOOTHAPANDI POLICE STATION,
KANYAKUMARI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9

ORDER
IN
CRL OP(MD) No.6724 of 2021
Date :13/05/2021

MM/IAS
TE/VR/SAR-I : 20/05/2021 : 3P/5C