



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

Date : 03/06/2021

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD).No.6955 of 2021

1. Parasakthi
2. Annalakshmi ... Petitioners/Accused No.2 and 3

Vs

State Rep.by
The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
Crime No.246 of 2021. ... Respondent/Complainant

For Petitioners : Mr.C.Mayilvahana Rajendran,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :- for anticipatory bail in cr. no. 246 of 2021 on the file of the respondent police.

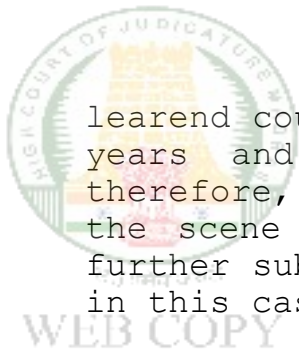
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest by the respondent police for an offence punishable under Sections 8(c) and 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.246 of 2021 have filed the present anticipatory bail petition.

2.The case of the prosecution is that on 15.05.2021, based on an information received by the police, a surprise check was made, at which point of time, three accused persons were found in the scene of occurrence and two of them ran away. The available accused person was searched and he was found in possession of 1.250 kg of Ganja. He was immediately arrested and remanded to judicial custody. It was further stated that he has also confessed to the involvement of the petitioners in the present case.

3.The learned counsel appearing for the petitioners submitted that the petitioners have been falsely roped in this case. The

<https://hcservices.ecourts.gov.in/hcservices/>



learned counsel submitted that the first petitioner is aged about 70 years and the second petitioner is aged about 62 years and therefore, the case of the prosecution that they have run away from the scene of crime is totally unbelievable. The learned counsel further submitted that the petitioners have been roped in as accused in this case only for statistical purpose.

4. Per contra, the learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the petitioners are habitual offenders. It was submitted that there is one previous case as against the first petitioner and two previous cases as against the second petitioner. The learned Additional Public Prosecutor further submitted that the quantity involved in the present case is an in-between quantity. Considering the antecedents of the petitioners, the present anticipatory bail petition is liable to be dismissed.

5. Taking into consideration the facts and circumstances of the case and also the age of the petitioners correlated with the nature of the allegations made in the FIR, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned Judicial Magistrate, Aathur, Dindigul District, and execute fresh personal bonds for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

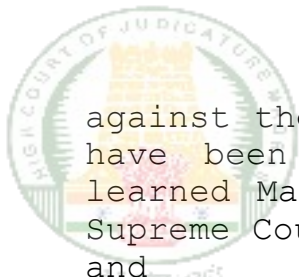
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b] the petitioners shall report before the respondent police every Monday and Friday, at 11.00 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

03/06/2021

/ TRUE COPY /

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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,
AATHUR, DINDIGUL DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
KANNIVADI POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6955 of 2021

Date :03/06/2021

SM

MS/MNR/SAR-3/08.06.2021/3P.5C