



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

Date : 04/06/2021

PRESENT

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The Hon'ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) . No.7010 of 2021

Selvam

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District
Crime No. 16 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
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 Crime No. 16 of 2021 on the file of the respondent Police.

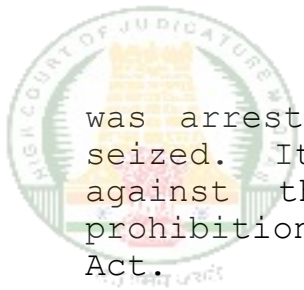
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehends arrest at the hands of the respondent police for the offence punishable under Section 8(c) and 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.16 of 2021 on the file of the respondent police, and seeks anticipatory bail.

2.The case of the prosecution is that the accused persons were found in possession of 1.150 kg of ganja.

3.The learned counsel for the petitioner would submit that there are two accused persons in this case and the petitioner has been arrayed as A2. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case and hence, he seeks anticipatory bail.

4.The learned Additional Public Prosecutor, appearing on behalf of the respondent police, on instructions, submitted that A1
<https://hcservices.ecourts.gov.in/hcservices/>



was arrested and remanded to judicial custody and the ganja was seized. It was further submitted that there are four previous cases against the petitioner, out of which, two cases are under prohibition offences and the rest of the two cases are under NDPS Act.

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5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

6. Taking note of the facts and circumstances of the case and the quantity involved in this case which is an in between quantity and the fact that ganja has already been seized, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. Accordingly, the petitioner is 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] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Additional District and Sessions Judge, Presiding Officer and Special Court for E.C.Act Cases, Thanjavur, and execute fresh personal bonds for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Court, 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 petitioner shall report before the respondent police on every Monday and Friday at 10.30 a.m., until further orders;

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

[d] the petitioner 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 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



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
04/06/2021

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/ /2021

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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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PRESIDING OFFICER AND SPECIAL COURT FOR EC ACT CASES,
THANJAVUR.
2. THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7010 of 2021
Date : 04/06/2021

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AE/PN/SAR-II/10.06.2021/3P/4C