



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

Date : 01/07/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) . No.7665 of 2021

Manikandan ... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
Crime No.377 of 2021

... Respondent/Complainant

For Petitioner : Mr.Sivaprakash S, Advocate.
For Respondent : Mr.Antony Sahaya Prabhakar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.377 of 2021 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(B) NDPS Act 1985, in Crime No.377 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that based on the information provided by the informant on 21.05.2021, at about 13.00 hours, when the respondent police engaged in checking for the illegal possession and transportation of Narcotic Drugs and Psychotropic, the respondent police found one Manikandan with a plastic sack, near Attur Taluk. On seeing the respondent police, he escaped from the place after dropping the plastic sack. A search was conducted in the sack and 8 Kgs of Ganja was found. Therefore, the case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he seeks anticipatory bail.



4.The learned Government Advocate(Crl.Side) appearing for the respondent opposed this petition on the ground that the investigation and he further submitted that the petitioner has no previous cases.

5.Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has no previous cases, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Nilakottai, on condition that the petitioner shall execute 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 Magistrate 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 the respondent police, daily at 10.30 a.m., 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/-
01/07/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1. THE JUDICIAL MAGISTRATE, NILAKOTTAI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.7665 of 2021

Date :01/07/2021

TTA

TE/AKM/SAR-I : 08/07/2021 : 3P/5C