



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/06/2021

PRESENT:

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7640 of 2021

(through Video Conference)

Kodiyalakan

... Petitioner/3rd Accused

Vs

State rep. by
The Inspector of Police,
Cumbum North Police Station,
Theni District.
Crime No. 42 of 2021

... Respondent/Complainant

For Petitioner : Mr.S.Selvakumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabakar,
Additional Public Prosecutor

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

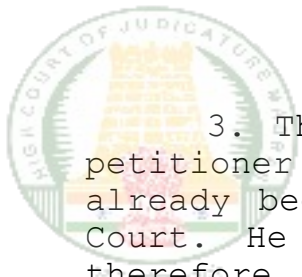
PRAYER :

For Anticipatory Bail in Crime No.42 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:

The petitioner/ 3rd accused, 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) & 29(1) of NDPS Act in Crime No.42 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on a prior information, the police party was engaged in the prevention of offences relating of Narcotic Drugs and Psychotropic Substances. At about 11:15 a.m., they found a person with white sack along with two persons near the bridge of 18th Kalvai. The police enquired them at 11:30 a.m and found that they are Pandian and Suresh Kumar. Kodiyalakan escaped from the spot. After complying with the mandatory procedures, the police found that the accused had possessed 8 kg of Kanja. Therefore, this case came to be registered.



3. The learned counsel for the petitioner submitted that the petitioner is a person aged 22 years. He also submitted that A2 already been granted Bail in Crl.O.P.(MD) No.2871 of 2021 by this Court. He is innocent and falsely implicated in this case and therefore, seeks for Anticipatory Bail

4. The learned Additional Government Pleader opposed this petition on the ground that the petitioner has a previous similar case pending, which was registered in Crime No.179 of 2018 relating to small quantity of Kanja.

5. Considering the fact that the petitioner is an young person and that there is a previous case registered in Crime No.179 of 2018 relating to small quantity of Kanja, this Court considering the age of the petitioner, is inclined to grant Anticipatory Bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Principal District and Special Additional District Judge for EC and NDPS Act cases, Madurai and on further condition that:

[a] 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 am., 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]**.

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

Sd/-

24/06/2021

/ TRUE COPY /

/ /2021

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



sts

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 PRINCIPAL DISTRICT AND SPECIAL ADDITIONAL DISTRICT JUDGE
FOR EC AND NDPS ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.J.JEYA ARON RAJA, Advocate (SR-4187[I] dated
28/06/2021)

ORDER
IN
CRL OP (MD) NO.7640 OF 2021
DATED:24.06.2021

VB/JC/SAR.III/30.06.2021/3P/5C