



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.8462 of 2021

Ramakrishnan ... Petitioner/Accused Rank Not Known

Vs

State represented by
The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
Crime No.149/2021.

... Respondent/Complainant

Chandran ... Intervene Petitioner/Petitioner
in CRL MP(MD)No.4443 of 2021 in
CRL OP(MD)No.8462 of 2021

For Petitioner : Mr.S.M.A.Jinnah,
Advocate.

For Respondent : Mr.T.Senthilkumar
Government Advocate (Crl.Side)

For Intervenor : Mr.T.Lajapathi Roy, Advocate

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

PRAYER :-

For Anticipatory bail in Crime No.149 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner, learned counsel for the intervenor 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), 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.149 of 2021 on the file of the respondent police, seeks anticipatory bail.



3. The defacto complainant intervened and pointed out that the petitioner had committed the offence in question for the purpose of forcing the defacto complainant to come to terms with him in another prosecution.

4. In view of the conduct of the petitioner, the petitioner's earlier petition for anticipatory bail was dismissed. I made it clear that unless the petitioner surrenders before the respondent police, I will not be inclined to consider his request. The matter was adjourned. During the pendency of this petition, the petitioner surrendered before the respondent police on 30.06.2021. The petitioner is presently lodged in District Jail, Virudhunagar. I am of the view that the continued incarceration of the petitioner is not necessary.

5. The petitioner's counsel, on instructions, gives an undertaking that after coming out on bail, the petitioner will file an affidavit undertaking not to come in contact with the victim or her family or that of the defacto complainant. I make it clear that if this undertaking is breached, this Court will not hesitate to take contempt action against the petitioner herein. Since the petitioner had been detained during the pendency of this petition, taking note of the subsequent development, this anticipatory bail is converted into bail petition. Bail is granted.

6. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two common sureties, each for a like sum to the satisfaction of the Additional District Judge, Special Court for EC & NDPS Act, Madurai.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
07/07/2021

/ TRUE COPY /

/ /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 ADDITIONAL DISTRICT JUDGE,
SPECIAL COURT FOR EC AND NDPS ACT, MADURAI.
- 2.THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 3.THE INSPECTOR OF POLICE,
T.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8462 of 2021
Date :07/07/2021

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