



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.8399 of 2021

Mansoor

... Petitioner/2nd Accused

Vs

The State rep by
The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
Crime No. 154/2021.

... Respondent/Complainant

For Petitioner : Mr.Sivakumar.S.,
Advocate.

For Respondent : Mr.Anthony Sahaya Prabhakar,
Additional Public Prosecutor

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

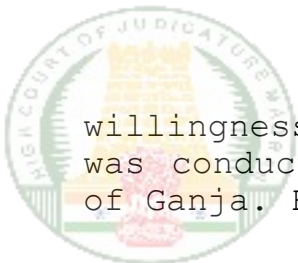
PRAYER :-

For Anticipatory Bail in Crime No. 154 of 2021 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 20(b)(ii)(B), 8(c) of Narcotic Drugs & Psychotropic Substance Act, 1985, in Crime No.154 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on the basis of secret information received, on 27.04.2021 at about 13.45 p.m., when the respondent police engaged in checking for the illegal possession and transportation of Narcotic Drugs and Psychotropic Substances near Samathuvapuram. The informant identified the accused persons namely Yasar Abarath, ArsathAli, Musthapa, Mansoor, and Kasthuriappan. On seeing of the police, the accused persons tried to escape from there and they were secured. The police explained their right to be searched in the presence of Judicial Magistrate and gazetted officer. The accused expressed their



willingness to be searched by the police. Accordingly, the search was conducted and the petitioners found in possession of 1.150 Kgs of Ganja. Hence, the case came to be registered.

4. The learned counsel for the petitioner would submit 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.

5. The learned Government Advocate (Crl.Sice), appearing for the respondent strongly opposed this petition on the ground that the investigation is not completed. This is the case of intermediate quantity of Ganja. He further submitted that the petitioners along with co-accused said to have been found in possession of 1.150 Kgs of Ganja.

6. Taking into consideration the facts and also the fact that the material witnesses are only official witnesses, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 No.1, Kuzhithurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties 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.

WEB COPY

Sd/-
01/07/2021

/ TRUE COPY /

/ /2021

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

tta

TO

1.THE JUDICIAL MAGISTRATE NO.1, KUZHITHURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3.THE INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT

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

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-4313[I] dated 02/07/2021)

ORDER
in
CRL OP (MD) No.8399 of 2021
Date : 01/07/2021

VB/MNR/SAR.III/06.07.2021/3P/6C