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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2021

PRESENT

The Hon'ble Mr. Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8445 of 2021

Kanjivanam

... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
(Crime No.433 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.Thirupathy, Advocate

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

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

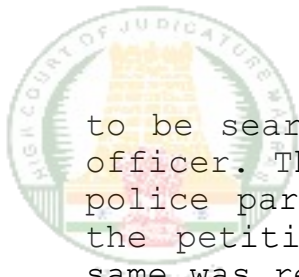
PRAYER :-

For Anticipatory Bail in Crime No.433 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.433 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 13.04.2021, at about 13.20 hours, when the respondent police engaged in checking for the illegal possession and transportation of Narcotic Drugs and Psychotropic Substances near Vandioor, they found three persons in suspicious manner. On seeing the respondent police two persons escaped from the place. The respondent police apprehended one IYYamboss @ Iyyangalai. The respondent police explained their right



to be searched in the presence of Judicial Magistrate and gazetted officer. The accused expressed his willingness to be searched by the police party themselves. Accordingly, the search was conducted and the petitioner found in possession of 3.300 Kgs of Ganja and the same was recovered from him.

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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 Additional Public Prosecutor appearing for the respondent opposed this petition on the ground that the investigation is pending and this is the case of intermediate quantity of Ganja.

5.Taking into consideration the facts and circumstances of the case and this is a case of intermediate quantity of Ganja 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.

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 Special Judge for NDPS Act Cases, Madurai, 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.

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sd/-
01/07/2021

/ /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 SPECIAL JUDGE FOR NDPS ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI CITY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.S.THIRUPATHY, Advocate (SR-4296[I] dated 02/07/2021)

ORDER
IN
CRL OP(MD) No.8445 of 2021
Date :01/07/2021

TTA
TE/AKM/SAR-II : 06/07/2021 : 3P/5C