



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8994 of 2021

Rajesh

... Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
Town East Police Station,
Thanjavur District
Crime No.1144/2021.

... Respondent/Complainant

For Petitioner : Ms.Saranya.D, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER : For Anticipatory Bail in Crime No. 1144 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under section 8(c) r/w. 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.1144 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on the information given by the informant, the respondent police went to M.Chavadi Kandiraj Palace on 17.06.2021 with necessary implements and was watching for the movement of the accused. At about 11.30 a.m., the accused had come with white polythene bag. On seeing the respondent police, the accused left the polythene bag and escaped from there. The quantity of contraband (Ganga) seized is 1.100 Kgs. Later it was found that the accused, who escaped from the scene of occurrence. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case.



4.The learned Government Advocate (Crl. Side) opposes this petition on the ground that investigation is pending.

5.This is a case of alleged illegal possession of 1.100 Kgs of Ganga. That is intermediate quantity. The witnesses are official witnesses and the contraband has been recovered. Hence, 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 EC Court, Thanjavur, Thanjavur District, 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/-
08/07/2021

/ 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 JUDGE, EC COURT,
THANJAVUR,
THANJAVUR DISTRICT.
2. THE INSPECTOR OF POLICE
TOWN EAST POLICE STATION,
THANJAVUR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.8994 of 2021
Date :08/07/2021

IAS
TE/MNR/SAR-IV : 08/07/2021 : 3P/4C