



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8900 of 2021

Kalaiselvan

... Petitioner/A1

Vs

State rep.by,
The Inspector of Police,
Mandalmanickam Police Station,
Ramanathapuram District.
Cr.No. 126 of 2021.

... Respondent

For Petitioner : Mr.N.Jeyaram Sidharth,
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.126 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 8(c) and 20(b)(ii)(B) of NDPS Act, in Crime No.126 of 2021, on the file of the respondent police, seeks antiicipatory bail.

2.The case of the prosecution is that on 28.06.2021, when the respondent police was engaged in vehicle check up near Veeracholan Villaku Road, they found a two wheeler bearing Registration No.TN-59-AJ-0680 coming towards them. This vehicle was ridden by the petitioner. His father Chokkalingam/A2 was a pillion rider. On seeing the police party, the accused persons tried to escape. The police only nabbed A2 and the petitioner/A1 was escaped from the scene. The police on search, found 1.400 kgs of Kanja from the possession of Chokkalingam. Therefore, this case came to be registered.



5. This is a case involving 1.400 kgs of Kanja, which is intermediate quantity. The learned Government Advocate (Criminal side) claims that the petitioner is having four previous cases pending against him and the cases were registered under Indian Penal Code from the year 2014-2017. In the case before hand, the material witnesses are the police officials. The contraband and the vehicles had already been seized. Therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[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;

[c]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 abscond, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

/ TRUE COPY /

sd/-
07/07/2021

/ /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 JUDICIAL MAGISTRATE, KAMUTHI,
RAMANATHAPURAM DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
MANDALMANICKAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8900 of 2021
Date :07/07/2021

sj i
PK/SKN/SAR-III/09.07.2021 : 3P/5C