



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

Date : 26/07/2021

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PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.9535 of 2021

R.Vignesh

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
Cumbum North Police Station,
Theni District.
Crime No. 584 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Karthik,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.584 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 8[c] r/w. 20[b][ii][B], 29[1] and 25 of NDPS Act in Crime No.584 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 13.07.2021 at about 09.00 a.m., on prior intimation, the police stopped two wheeler bearing Registration No.TN-60-T-705 and found the occupants in the vehicle were illegally transporting Ganja. The vehicle was ridden by one Pandeeshwaran and one vignesh was a pillion rider. When they were enquiring, Vignesh fled from there. Then, the police after observing necessary formalities, conducted search and found that a plastic bag in the petrol tank cover with 2 kgs of Ganja. Therefore, this case came to be registered.



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

4.The learned Additional Public Prosecutor for the respondent strongly opposed this petition on the ground that investigation in this case is not completed.

5.This is a case of alleged illegal possession of 2 kgs of Ganja. Ganja and the two wheeler had been recovered. It is submitted by the learned Additional Public Prosecutor that no similar case is pending against the petitioner.

6.Taking note of the fact that the quantity of Ganja involved in this case is 2 kg, which is intermediate quantity and the Ganja had been recovered and also the fact that the material witnesses are official witnesses, this Court is inclined to grant anticipatory bail to the petitioner with 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 Special Court for EC and 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.

sd/-
26/07/2021

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/ /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,
SPECIAL COURT FOR EC AND NDPS ACT CASES,
MADURAI.
2. THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.A.KARTHIK, Advocate (SR-4845[I] dated 27/07/2021)

ORDER
IN
CRL OP(MD) No.9535 of 2021
Date :26/07/2021

SJI
SRS/JC/SAR-I/29.07.2021/3P/5C