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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2021

PRESENT

The Hon'ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9652 of 2021

Rajesh @ Rajeshwaran

... Petitioner/Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi District.
(Crime No 124/2021).

... Respondent/Complainant

For Petitioner : M/s.Haroon Rasheed,
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.124 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 20(b)(ii)(A) and 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.124 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 18.06.2021 at about 05.00 p.m., when the de-facto complainant along with other police officials were engaged in vehicle check up near Manjalneerkayal bus stop, they found a two wheeler bearing Registration No.TN-92-E-6098 (Hero Splender Plus) coming towards them. This vehicle was ridden by the petitioner. On seeing the police party, the petitioner was escaped from the scene. The police on search, found 100 grams of



ganja was recovered from the petitioner's vehicle. On enquiry, the de-facto complainant came to know that the petitioner purchased the ganja from outstation and sell the same to the general public. 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 Government Advocate(Crl.side) appearing for the respondent police submitted that the said contraband was recovered by the respondent police and no previous case is pending against the petitioner.

5.Taking into consideration the facts and circumstances of the case and the fact that the material witnesses are the police officials and also the fact that no previous case is pending against the petitioner, 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 Additional District and Sessions Judge/Presiding Officer, Special Court for E.C. and NDPS Act, 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 am., 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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/ 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 ADDITIONAL DISTRICT AND SESSIONS JUDGE /
PRESIDING OFFICER,
SPECIAL COURT FOR E.C. AND NDPS ACT,
MADURAI.
2. THE INSPECTOR OF POLICE,
SAWYERPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9652 of 2021
Date :22/07/2021

sjj
USK/JM/SAR-II : 26/07/2021 : 3P/4C