



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

Date : 28/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.9811 of 2021

M.Muthubalan

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai, Tirunelveli City.
(Crime No.434 of 2021).

... Respondent/Complainant

For Petitioner : Mr.N.PRAGALATHAN,
Advocate.

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

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

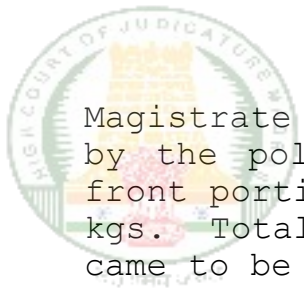
PRAYER :-

For Anticipatory Bail in Crime No. 434 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), 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances
Act, 1985, in Crime No.434 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 07.07.2021, on prior
information, the de-facto complainant along with police party were
engaged in preventing the offences related to NDPS Act, near K.T.C.
Nagar Bye-pass Road. At about 02.00 p.m., they found a two wheeler
bearing Reg.No.TN-74-W-3537 coming. One Muthusuresh was riding his
two wheeler. The police party stopped the vehicle and introduced
themselves and informed their suspicion that the two wheeler rider
was in possession of ganja. The respondent police also informed
their about the right of being searched in the presence of Judicial



Magistrate or Gazetted Officer and on the willingness to be searched by the police, search was conducted and a sack was found in the front portion of the motorcycle with 8 pockets of ganja containing 2 kgs. Totally, they recovered 16 kgs of ganja. Therefore, this case came to be registered.

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3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case and only based on the confession statement of the co-accused, the petitioner has been implicated in this case. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal side) for the respondent strongly opposed this petition on the ground that investigation in this case is not completed and no previous case is pending against the petitioner.

5.It is seen from the case of the prosecution that this petitioner is implicated on the basis of the confession statement of the co-accused and some of the co-accused are arrested and they are in prison. The ganja involved in this case is intermediate quantity. The said Ganja has also been recovered. The material witnesses are official witnesses. Therefore, this court is inclined to grant anticipatory bail to the petitioner.

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 Judicial Magistrate No.1, Tirunelveli, Tirunelveli 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/-
28/07/2021

/ 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 JUDICIAL MAGISTRATE NO,I
TIRUNELVELI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
PALAYAMKOTTAI,
TIRUNELVELI CITY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRAGALATHAN.N Advocate SR.No.4916

ORDER IN
CRL OP(MD) No.9811 of 2021
Date :28/07/2021

SA/VR/SAR.3/02.08.2021/3P/6C

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