



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

Date : 20.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.11109 of 2021

WEB COPY

1.Manikandan
2.Azharudeen

... Petitioners/Accused No.2 & 3

Vs

The State Rep. By
The Inspector of Police,
Annanagar Police Station,
Madurai District.
(Crime No.1342 of 2021)

... Respondent/Complainant

For Petitioners : Mr.V.Chandrapandi
For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.1342 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 8(c) and 20(b)(ii)(B) of NDPS Act in Crime No.1342 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 03.08.2021, based on the secret information given by the informant, the respondent police conducted a search near A1 bar, at that time, the petitioners along with others were trying to escape from the spot on seeing the respondent police. The respondent police caught A1 and seized the contraband worth about 1.100 kg from A1. Based on the confession statement of A1, the respondent police registered the case as against the petitioners herein.

3.The learned counsel for the petitioners submits that the petitioners are innocents and they have been falsely implicated in this case. He further submits that based on the confession statement of the co-accused, these petitioners have been arrayed as

<https://h2civicservices.gov.in/h2civicservices/>

4.The learned Government Advocate (Criminal side) for the



respondent police submits that the petitioners are having no previous case and no recovery was made from them.

5.Considering the facts and circumstances of the case, the petitioners have not involved in any other offence and also the fact that except the confession statement given by the co-accused, there is no other material against the petitioners herein, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal Sessions Court for EC and NDPS Cases, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police, daily at 10.30 a.m., until further orders.

(c)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Judge/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f)if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/10/2021

/ TRUE COPY /



cp

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 PRINCIPAL SESSIONS COURT FOR EC AND NDPS CASES,
MADURAI.
- 2.THE INSPECTOR OF POLICE,
ANNANAGAR POLICE STATION,
MADURAI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.11109 of 2021
Date :20/10/2021

SB/VR/SAR-II/29.10.2021/3P/4C