



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.10.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.12238 of 2021

Murugan @ Meenkadai ... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Thallakulam Police Station,
Madurai City.

Crime.NO.872 OF 2021 ... Respondent/Complainant

For Petitioner : Mr.M.Sakthikumar,
Advocate.

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.872 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/2nd accused apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 8(c) r/w Section 20b(ii)(B) and Section 29(1) of NDPS Act, in Crime No.872 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that based on the *suo moto* complaint given by one Pulikutti Ayyanar, on 01.08.2021 at about 12.45 p.m, they conducted a vehicle check up near Senthil Tea Shop at B.B.Kulam, Madurai, they found five persons with Cloth Bag and hidden himself. On seeing the police party, the petitioner along with others escaped from that place. The police only nabbed A1 and on enquiry, they found that A1 was in possession of 1kg 250 grams of Ganja. Hence, the present complaint.



3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submits that no recovery was made from the petitioner and only based on the confession statement of A1, the petitioner has been roped-in in this case. Except the confession statement of A1, no other materials have been placed by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police submits that based on the confession statement of the co-accused, the petitioner has been implicated in this case.

5.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner, the antecedent of the petitioner and also the fact that except the confession statement of the co-accused, no other materials have been collected by the investigating agency as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed. 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 Special Judge for EC & NDPS Act Cases, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m. until further orders.

[c]the petitioner shall not tamper with the 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/10/2021

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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 SPECIAL JUDGE FOR EC & NDPS ACT CASES,
MADURAI.
- 2 THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION, MADURAI CITY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12238 of 2021
Date :05/10/2021

kmm

SS/PN/SAR-II/21.10.2021 : 3P/4C