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CRL OP(MD). No.13000 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13000 of 2021

J. Vinith,
S/o.Justin Xavier,
No.11/26a, Valavilai,
Anhaamthottam,
Kalkulam,
Palliyadi Post,
Kaniyakumari District..

... Petitioner/Accused

Vs

The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Cr.No. 279 of 2021).

... Respondent/Complainant

For Petitioner : M/s, Dictum Law Firm,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 279 of
2021 on the file of the respondent police.



WEB COPY 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), and 20(b) (ii) (B) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.279 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused was found in possession of 1.200 Kgs of Ganja.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner's name is not found in the FIR and based on the confession statement alone, the petitioner's name is implicated in this case.



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4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that based on the confession statement alone the petitioner's name is involved in this case and apart from the confession statement of co-accused, no other material is available against the petitioner as on date.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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 District Sessions Judge, (N.D.P.S Cases), Madurai 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 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 as and when required.

[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**



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[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

(B P J)
09.09.2021

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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 Inspector of Police,
Karungal Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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B. PUGALENDHI, J

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ORDER
IN
CRL OP (MD) No.13000 of 2021

Date : 09/09/2021