



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.10.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.14733 of 2021

N.Muthupandi ... Petitioner/Accused No.3

Vs

The state represented by
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
(Crime No. 606/2021)

... Respondent/Complainant

For Petitioner : Mr.NA.Manimaran,
Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

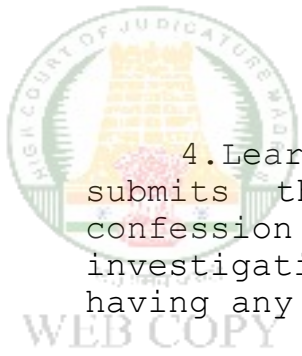
For Anticipatory Bail in Crime No.606 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii)(b) and 25 of NDPS Act, in Crime No.606 of 2021, seeks anticipatory bail.

2.The prosecution case is that the petitioner and other accused were found in illegal possession of 1.100 kgs of Ganja. Hence, the complaint.

3.Learned Counsel for the petitioner submits that the petitioner is an innocent and has not committed any offence as alleged by the prosecution, but, a false case has been foisted as against him. He further submits that the petitioner has been implicated through the confession statement of the co-accused and there is no recovery from the petitioner.



4.Learned Additional Public Prosecutor, on instructions, submits that the petitioner has been implicated through the confession of the co-accused. He further submits that the investigation is yet to be completed and that the petitioner is not having any other case to his credit.

5.Considering the quantity of contraband involved, the antecedent of the petitioner, the fact that he has been implicated only through the confession statement of the co-accused and that other than the confession statement, there is no other material against the petitioner as on date, 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 Judge, Special Court 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 Judge 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 learned Judge may obtain a copy of their Aadhaar 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 the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

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

sd/-

27/10/2021

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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.

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- TO
- 1 THE JUDGE,
SPECIAL COURT FOR EC AND NDPS ACT CASES,
MADURAI.
 - 2 THE INSPECTOR OF POLICE
PATTIVEERAPATTI POLICE STATION,
DINDIGUL DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14733 of 2021
Date :27/10/2021

SS/VR/SAR-III/08.11.2021 : 3P/4C