



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14716 of 2021

A.Nallusamy, ... Petitioner/Accused No.3

Vs

State Rep by
The Inspector of Police,
Ambathurai Police Station,
Dindigul District.
Cr.No. 369 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Manimaran Na.,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.369 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(B) and 25 of NDPS Act, in Crime No.369 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 25.07.2021, based on a secret information, the respondent Police conducted a vehicle check-up on the A.Vellode-Narasinghamapuram Road, near Kumaran Nagar Nursery, at that time, A1 and A2 were coming on a bike. The respondent Police intercepted the said bike and on enquiry, they found that A1 had a white colour gunny bag containing 1 kg 500 grams of ganja. Based on the confession statement of A1, the respondent Police discovered that the ganja was found at Velayutham Farm near the petitioner's Poultry Farm,



where, A1 identified another gunny bag, in which, 1 kg of ganja was found. The contraband was also seized by the respondent. Hence, the present complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. 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. He further submits that the petitioner is not having any bad antecedent and A1 and A2 were also released on bail.

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 Principal 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 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/-
30/09/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

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 Special Court for EC & NDPS Act Cases,
Madurai.
2. The Inspector of Police,
Ambathurai Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.14716 of 2021
Date : 30/09/2021

TR/JC/SAR-I(06.10.2021) 3P 4C