



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15255 of 2021

Ramkumar

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.1222 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Prabu M, Advocate.

For Respondent : M/s.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.1222 of 2020 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 offences punishable under Sections 8(c), and 20(b) (ii) (B) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.1222 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 1.100 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 first accused was arrested and thereafter released on bail by this Court. He further submitted that the petitioner is ready to file an undertaking



affidavit before the respondent police as well as the trial Court that he will not indulge in any offence in future.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is having one previous case of similar in nature and also submitted that the investigation was completed and final report was also filed before the concerned Court.

5. Considering the facts and circumstances of the case and the nature of allegation levelled against this petitioner, filing of final report and also of the fact that the first accused was arrested and thereafter released on bail, 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 Judicial Magistrate No.II, Kovilpatti, Thoothukudi District, on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the persons who are giving sureties should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments,

[b] 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.

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

[d] the petitioner is directed to file an undertaking affidavit before the respondent police as well as the trial Court that he will not indulge in any offence in future.

[e] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

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

WEB COPY

Sd/-
22/10/2021

/ TRUE COPY /

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

GBG/TTA

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 JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15255 of 2021
Date :22/10/2021