



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16343 of 2021

Muthuraj

... Petitioner/Accused No.3

Vs

State rep. by
The Inspector of Police,
NIB-CID, Theni,
Theni District.
In Crime No.38 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.Anandan,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No.38 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 offences punishable under Sections 8(c), r/w 20(b) (ii)(B) & 25 of NDPS Act, in Crime No.38 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 4.500 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 based on the confession statement alone, the petitioner's name is implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that based on the confession statement the petitioner has been arrayed as accused in this case and also submitted that the one previous case is pending against the petitioner.



5.Considering the facts and circumstances of the case, the nature of allegation levelled against this petitioner and as on date, there is no material against the 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 Additional District Judge of 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 the respondent police daily at 10.30 a.m., till the final report is filed.

[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/-

28/10/2021

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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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1 THE ADDITIONAL DISTRICT JUDGE OF PRINCIPAL
SPECIAL COURT FOR EC & NDPS ACT CASES, MADURAI,

2 THE INSPECTOR OF POLICE
NIB-CID, THENI, THENI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.B.ANANDAN, Advocate (SR-7603[I] dated 28/10/2021)

ORDER

IN

CRL OP(MD) No.16343 of 2021

Date :28/10/2021

TTA

MK/PN/SAR.III/02.11.2021/3P/5C