



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8236 of 2022

1 MURGI @ MURUGESH [PETITIONERS / ACCUSED]
2 ARULAPPAN @ ARULSUTHAN

Vs

STATE THROUGH [RESPONDENT]
THE INSPECTOR OF POLICE,
ERODE SOUTH POLICE STATION,
ERODE DISTRICT.
(CRIME NO.159 OF 2022)

For Petitioner : M/S.S.MOHAMED ANSAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

These petitioners apprehend arrest at the hands of the respondent police for the alleged offence under Sections 8(c), 20(b)(ii)(B) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.159 of 2022 on the file of the respondent police seek anticipatory bail.

2. The learned counsel for the petitioners states that they have nothing done with the alleged recovery of 1500 grams of Ganja from the four accused who are arrayed as A9 to A12. Based on the allegation, confession of one of the co-accused stating that the petitioners are also engaged in illegal trade of ganga, their names have been implicated in the FIR.

3. Considering the fact that nothing was recovered from the petitioners and what was recovered from the other accused does not traced, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.



4. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate No.III, Erode**, on condition that the petitioners shall execute separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) **the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;**

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

08/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE JUDICIAL MAGISTRATE,
NO.III, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ERODE SOUTH POLICE STATION,
ERODE DISTRICT.

+1 CC to M/S.S.MOHAMED ANSAR Advocate on payment of necessary
charges SR.NO.5514

CRL OP.8236/2022

Date :08/04/2022

TA-19/04/2022