



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION NOS.10609 & 10626 of 2022

MAYANDI @ MADHAVAN

[PETITIONER / ACCUSED
IN BOTH PETITIONS]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.
(CR.NOs.169&170/2022)

[RESPONDENT
IN BOTH PETITIONS]

For Petitioner : M/S. T.MURUGANANTHAM Advocate [IN BOTH PETITIONS]

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)
[IN BOTH PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioner herein, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(A) of NDPS Act, 1985, in Crime No.169 of 2022, and 8 (c) r/w. 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.170 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information received by the respondent police, they conducted search in the house of the accused and found that one Manikandan was is in possession of 100 gms of Ganja in Crime No.169 of 2022 and one Bhuvaneshwari, was in possession of 1.300 kgs of Ganja in Crime No.170 of 2022. Based on their confession, the petitioner has been implicated in these two cases.



3. The learned counsel for the petitioner submitted that both the cases have been registered within a gap of 30 minutes for the alleged possession of 100 gms of Ganja by the accused Manikandan in Crime No.169 of 2022 and for possession of 1.300 kgs of Ganja by the accused Bhuvaneshwari in Crime No.170 of 2022. He further submitted that there is no recovery made from this petitioner and the petitioner has been implicated based on the confession statements of the co-accused given to the police.

4. The learned Government Advocate (Crl. side) appearing for the respondent submitted that the petitioner is having eight previous cases of similar nature. Hence he opposed for grant of anticipatory bail.

5. The respondent police implicated petitioner on the basis of the confession statement of the co-accused. No other material implicating the accused is made available now. Thus, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Special Court for E.C.Act Cases, Salem, on condition that the petitioner shall execute separate bonds in each crime number 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 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 petitioner fails 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 petitioner 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 petitioner shall report before the Investigating Officer daily at 10.30 a.m., until further orders;

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

(e) the petitioner 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/-

05/05/2022

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 SPECIAL COURT FOR E.C.ACT CASES,
SALEM.

2 THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary charges SR.Nos.6773+6774

CRL OP.NOs.10609&10626/2022

Date :05/05/2022

CSK 12/05/2022