



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.95 of 2022

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Navilarasan

... Petitioner/Sole Accused

Vs

The State Rep. By,

The Inspector of Police,
Mandala Manickam Police Station,
Ramanathapuram District.
Cr.No.185 of 2021.

... Respondent/Complainant

For Petitioner : M/s. Veerapandi Selvaraj.S,
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. 185 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, 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 and Sections 50 of Central Motor Vehicles Substances Act r/w 177 of Motor Vehicles Act, in Cr.No.185 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 10 grams of Ganja in a match box. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the said contraband was seized from the petitioner's match box and that he is having two previous cases under IPC.



5.Considering the quantum of contraband seized and also the fact that the petitioner is not having any previous case for similar offence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

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6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **(*)Judicial Magistrate,Kamuthi** 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the Special Judge 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 learned Special Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with 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 Special Judge 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 Special Judge himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-

22/02/2022

(*)Amended as per order of this Hon'ble Court dated 22/03/2022 in CrI.MP(MD). No.3402/2022 in CrI.OP(MD)No.95/2022

Further two weeks time is granted to the petitioner to comply with the conditions imposed by the court from the date of receipt of a copy of this order.

/ TRUE COPY /

/ /2022

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.

TO

TO BE SUBSTITUED WITH THE ORDER DATED 22/02/2022 ALREADY DESPATCHED

**(*) 1. THE JUDICIAL MAGISTRATE ,
KAMUTHI ,**

**2.DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.**

3. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PRESIDING OFFICER AND SPECIAL COURT FOR
EC AND NDPS ACT CASES,
PUDUKOTTAI.

4. THE INSPECTOR OF POLICE,
MANDALA MANICKAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER
IN
CRL OP(MD) No.95 of 2022
Date :22/02/2022

USK/PN/SAR-III/02.03.2022/3P/4C
CSM
PKP/VR/SAR-4 /31.03.2022/3P/6C