



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.337 of 2022

Vetri @ Vetriselvan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Town West Police Station,
Thanjavur District.
Cr.No.1688 of 2021.

... Respondent/Complainant

For Petitioner : M/s.S.VEERAPANDI SELVARAJ,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.1688 of 2021 on the file of the Respondent police.

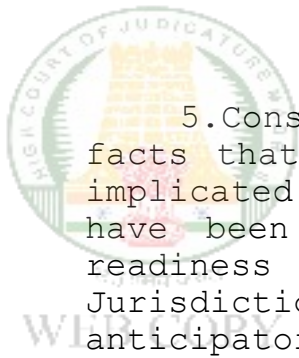
ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 20(b)(ii)(B) and 8(c) of NDPS Act, 1985 in Cr.No.1688 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 01.66 kg of ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there was no recovery from the petitioner and that only on the basis of the confession statement alleged to have been taken from the co-accused he has been implicated in this case. However, to show his bona fide, the petitioner is ready to file an undertaking affidavit that he will not indulge in any such offence in future.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there was no recovery from the petitioner herein and that he is having two previous cases for similar offence, but not for commercial quantity.



5.Considering the quantum of contraband seized and also the facts that there was no recovery from the petitioner, that he was implicated only on the basis of the confession statement alleged to have been taken from the co-accused and that the petitioner's readiness to file an undertaking affidavit before the concerned Jurisdictional Magistrate, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

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 Additional District and Sessions Judge, Presiding Officer and Special Court for EC Act Cases, Thanjavur, 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 concerned Special Court 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 Special Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall file an undertaking affidavit that he will not indulge in any such offence in future, before the concerned Special Court. On filing of such undertaking affidavit, the concerned Special Court shall accept the sureties.

(c)the petitioner shall report before the respondent police daily at 10.30 am 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 concerned Special 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 concerned Special 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/-

22/02/2022

/ 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

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PRESIDING OFFICER AND SPECIAL COURT FOR E.C ACT CASES,
THANJAVUR.
- 2 THE INSPECTOR OF POLICE,
TOWN WEST POLICE STATION,
THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.337 of 2022
Date : 22/02/2022

SA/VR/SAR.4/02.03.2022/3P/4C