



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.359 of 2022

WEB COPY

1. Selvi
2. Reka

... Petitioners/Accused No.2 & 3

Vs

The State Rep. By,
The Inspector of Police,
Nagamalaipudukottai Police Station,
Madurai District.
Cr.No. 493 of 2021.

... Respondent/Complainant

For Petitioners: M/s.Palmurugan K,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

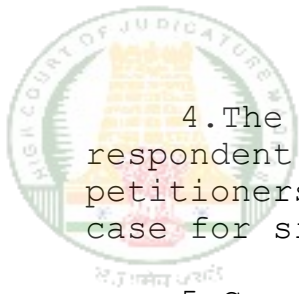
For Anticipatory Bail in Crime No.493 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 8
(c) and 20(b)(ii)(B) of NDPS Act, 1985 and Sections 353 and 506(i)
of IPC, in Cr.No.493 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along
with other accused were found in illegal possession of 1.250 kg of
ganja. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the
first petitioner is the wife and second petitioner is the daughter
of A1, that there was no recovery from the petitioners and that only
on the basis of the confession statement alleged to have been taken
from the first accused they have been implicated in this case.
However, to show their bona fide, the petitioners are ready to file
an undertaking affidavit that they will not indulge in any such
offence in future.



4.The learned Additional Public Prosecutor appearing for the respondent would fairly concede that there was no recovery from the petitioners. However, the first petitioner is having a previous case for similar offence, but not commercial quantity.

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

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal Sessions Court (Special Court for NDPS Cases), Madurai District, on condition that the petitioner shall execute a 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Special Judge concerned and on further conditions that:

(a)the petitioners 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 petitioners shall file an undertaking affidavit that they will not indulge in any such offence in future, before the concerned Judicial Magistrate. On filing of such undertaking affidavit, the concerned Special Judge shall accept the sureties.

(c)the petitioners shall report before the respondent police daily at 10.30 am 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 Special Judge is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;



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

sd/-
22/02/2022

WEB COPY

/ 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 PRINCIPAL SESSION JUDGE,
(SPECIAL COURT FOR NDPS CASES),
MADURAI DISTRICT.
2. THE INSPECTOR OF POLICE,
NAGAMALAIPUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.ARIKARAN, Advocate (SR-1475[I] dated 24/02/2022)

ORDER
IN
CRL OP(MD) No.359 of 2022
Date :22/02/2022

USK/SBN/SAR-III/02.03.2022/3P/5C