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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.1282 of 2022

Dharmar @ Tharmaraja

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
(Crime No.825 of 2021).

... Respondent/Complainant

For Petitioner : M/s.S.Sathya Chidambaram,S.
Advocate.

For Respondent : M/s.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-

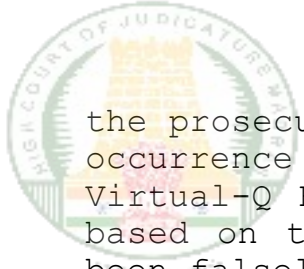
For Anticipatory Bail in Crime No.825 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8 (c), 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.825 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on receiving secret information, on 26.12.2021, the Police party reached Bodikamanvadi Kanmai, wherein they found that the petitioner and the other accused were in possession of ganja weighing 1.100 kg. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by



the prosecution. He would further submit that on the date of alleged occurrence i.e., on 23.12.2021, he was in Sabarimalai and produced a Virtual-Q Booking Coupon for Darshan. He would further submit that based on the confession statement given by the co-accused, he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and the other accused were in possession of ganja weighing 1.100 kg. He would further submit that the Darisana Ticket produced by the petitioner, is only a virtual booking coupon.

5.Considering the facts and circumstances of the case and considering the fact that there was no recovery from the petitioner and as rightly contended by the learned counsel for the petitioner except the confession statement given by the co-accused, there is no other material to implicate the petitioner and also the fact that the petitioner is not having any bad antecedents as stated by the learned Additional Public Prosecutor, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Authoor, Dindigul District, 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 learned Magistrate 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 Magistrate 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 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 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.R.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.

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Sd/-
10/02/2022

/ /2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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 JUDICIAL MAGISTRATE,
AUTHOR, DINDIGUL DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
SEMPATTI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1282 of 2022
Date :10/02/2022

SP/VR/SAR II/17/02/2022/3P/5C