



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.1583 of 2022

V.Podhumani

... Petitioner/5th Accused

Vs

The State rep.by
The Inspector of Police,
NIB-CID Police Station,
Dindigul District.
Cr.No. 492 of 2021.

... Respondent/Complainant

(Amended as per order dated
16.02.2022 in Crl.MP.(MD) .
No.2493/2022 in Crl.OP(MD) .
No.1583/2022)

For Petitioner : M/s.BALASUBRAMANIAN.S,
Advocate.

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

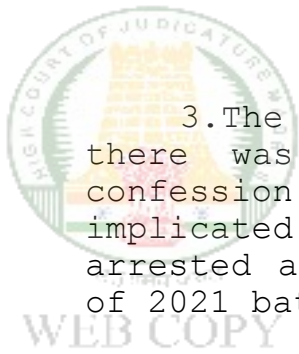
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.492 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 8(c) r/w 20(b)(ii)(c) and 25 of NDPS Act, in Crime No.492 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on receipt of secret information, when the respondent police on 26.08.2021 at about 04.30 p.m., conducted raid on the backside of the first accused's house situated at Santhamanickenpatti, they found that A1 and A2 were in possession of Ganja weighing 30 kgs each. On seeing the police, the petitioner and other accused had escaped from the scene of occurrence and the police only nabbed A1. Based on the confession statement of the co-accused, the petitioner was implicated in this case. Hence, the complaint.



3.The learned counsel for the petitioner would submit that there was no recovery from the petitioner and based on the confession statement of the co-accused, the petitioner was implicated in this case. He would further submit that A2 was already arrested and released on bail by this Court in Crl.O.P.(MD)No.5093 of 2021 batch, dated 23.12.2021.

4.Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor has filed a counter affidavit, wherein, the respondent police stated that the petitioner has also actively involved in the offence not only in her capacity, while acting as labour of A1 to sell the Ganja but also to secretly store the said contraband. It is further stated that the said contraband was recovered from A1 and that the petitioner is not having any previous case.

5.Admittedly, there was no recovery from the petitioner. As rightly contended by the learned counsel for the petitioner, except the confession statement of the first accused, the prosecution has not shown nor produced any material or evidence to connect the petitioner with the crime in question. There is also no evidence to show that the petitioner was present at the scene of occurrence and that the petitioner is having no previous case for similar offence.

6.Considering the above, this Court is satisfied that there are reasonable grounds for believing that the petitioner is not guilty of such offence and that the petitioner is not likely to commit such offence, while on bail and hence, this Court is inclined to grant anticipatory bail to the petitioner.

7.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 Principal Special Court EC and NDPS Act Cases, Madurai, 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 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 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



(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/-

07/03/2022

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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 SPECIAL JUDGE EC AND NDPS ACT CASES,
MADURAI.
- 2 THE INSPECTOR OF POLICE,
NIB-CID POLICE STATION,
DINDIGUL DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.BALASUBRAMANIAN.S Advocate SR.No.1835

ORDER

IN

CRL OP(MD) No.1583 of 2022

Date : 07/03/2022

SA/PN/SAR.2/11.03.2022/3P/5C