



WEB COPY

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

Date : 04/02/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.2291 of 2022

Manu

... Petitioner/Accused
Rank not known

Vs

State rep.by
The Sub Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.441/2021).

... Respondent/Complainant

For Petitioner : M/s.Narayanakumar K.P., Advocate.

For Respondent : M/s.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.441/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 8(c), 20(b)(ii)B and Section 25 of NDPS Act, in Crime No.441 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 30.10.2021, at about 04.45 p.m, based on the secret information, the police officials went to the place of occurrence and conducted vehicle check up, they found illegal possession of 1.50 Kg Ganja in the two wheeler bearing Registration No.TN-74-AX-569. On seeing the police party, the accused fled away from them the spot. Hence, this complaint.



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

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the police party found illegal possession of 1.50 Kg Ganja in the two wheeler bearing Registration No.TN-74-AX-569 and no previous case is pending against the petitioner.

5. He further submitted that on a doubtful information, the police made a search on the house of the petitioner and damaged the household articles. The said damage was video graphed by the petitioner. But, nothing was found in the house. From escaping the above said illegal act, this false case has been foisted against the petitioner.

6. This Court is of the considered view that it is a matter for investigation and trial.

7. Considering the facts and circumstances of the case and also considering the fact that the petitioner is not having any previous case in similar nature, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Kuzhithurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
04/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.I)
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 JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL
3. THE SUB INSPECTOR OF POLICE,
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2291 of 2022

Date :04/02/2022

SP/JM/SAR I/15/02/2022/3P/5C