



WEB COPY

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.2377 of 2022

1. A.Saravanan

2. A.Selvam

... Petitioners/Accused No.1 & 4

Vs.

State rep.by

The Inspector of Police,

Manur Police Station,

Manur, Tirunelveli District.

(Crime No.517 of 2021).

... Respondent/Complainant

For Petitioners : M/s.N.Pragalathan, 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.517 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8 (c), 20(b)(ii)(B), 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.517 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on receiving secret information, on 16.12.2021 at about 01.00 pm, the Police party went to the Ramayapatti tank, wherein they found that the petitioners and the other accused were in possession of ganja weighing 1.5 kg and on seeing the Police party, the petitioners tried to run away. Hence, the present complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there was no recovery from the first petitioner and that the first petitioner is not having any previous case at his credit and the second petitioner/A4 is having previous cases.

5.At this juncture, the learned counsel for the petitioners seeks permission of this Court to withdraw this petition in respect of the second petitioner is concerned.

6. In view of the submission made by the learned counsel for the petitioners, the Criminal Original Petition is dismissed as withdrawn in respect of the second petitioner.

7.Considering the facts and circumstances of the case and also the facts that there was no recovery from the first petitioner and allegedly the recovery was only from the A2 and A3, that except the confession statement given by the co-accused, there is no other material to implicate the first petitioner and also the fact that the first 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 first petitioner with certain conditions.

8.Accordingly, the Criminal Original Petition is allowed and the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal Special District Court (for EC & NDPS Cases), Madurai, on condition that the second 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 first 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 first petitioner shall report before the respondent police daily at 10.30 am until further orders;

(c)the first petitioner shall report before the respondent as and when required for interrogation.

(d)the first petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the first petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 released on bail by the learned Magistrate/Trial 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.

9. In the result, this Criminal Original Petition is partly allowed.

Sd/-

10/02/2022

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/ /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 PRINCIPAL SPECIAL DISTRICT COURT
(FOR EC & NDPS CASES), MADURAI.

2. THE INSPECTOR OF POLICE,
MANUR POLICE STATION,
MANUR, TIRUNELVELI DISTRICT.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRAGALATHAN N Advocate SR.No.1021

ORDER

IN

CRL OP (MD) No.2377 of 2022

Date : 10/02/2022