



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2925 of 2022

M.Surya Dinesh

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Melapalayam Police Station,
Melapalayam,
Tirunelveli City.
(Crime No.580 of 2021.

... Respondent/Complainant

For Petitioner : M/s.N.Pragalathan,N.Advocate.

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

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

PRAYER :-

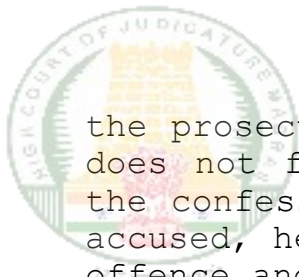
For Anticipatory Bail in Crime No.580 of 2021 on the file of the Respondent Police.

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) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.580 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on receiving secret information, on 28.12.2021 at about 02.00 pm, the Police party was checking the auto of one Patchaikilli, wherein they found that the petitioner and the accused were in possession of ganja weighing 2 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 the petitioner's name does not find place in the FIR, that subsequently on the basis of the confession statement alleged to have been taken from the second accused, he was implicated and he has nothing to do with the alleged offence and the alleged seizure mahazar of the contraband.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is having two previous cases, one for offence under Section 307 IPC and the other for offence under Section 302 IPC and that the petitioner is not having any previous case for similar offence.

5. Considering the facts and circumstances of the case and also the facts that the contraband was allegedly recovered from the other accused, that 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 previous case for similar offence 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 Principal Special District Court (For EC & NDPS 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 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.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.

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Sd/-
10/02/2022

/ /2022
Sub-Assistant Registrar (C.S.III)
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 JUDGE,
(FOR EC & NDPS CASES), MADURAI
2. THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
MELAPALAYAM,
TIRUNELVELI CITY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRAGALATHAN N Advocate SR.No.1022

ORDER
IN
CRL OP(MD) No.2925 of 2022
Date :10/02/2022

SP/SBN/SAR III/17/02/2022/3P/5C