



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22.03.2022
PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.3783 of 2022

S.Vairamani @ Devaneshan ... Petitioner/ Accused No.3
Vs

State through
The Forest Officer,
Saptur Forest Range,
Saptur,
Madurai District.
Kanja Crime No.1 of 2022 ... Respondent/Complainant

For Petitioner : Mr.J.Vishnu,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2022 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(b), 20(a)(b)(1)(i) of NDPS Act, Sections 27(1), 50 and 51(1) of Wild Life Protection Act and Section 21(d)(e)(f) of Tamilnadu Forest Act, in Crime No.01 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused had dug more than ten pits and planted an inch sized cannabis plant in it.

3.The learned counsel for the petitioner would submit that the petitioner was implicated only on the basis of the confession statement taken from the fourth accused and that he is not having any previous cases.

4.The learned Additional Public Prosecutor would submit that only on the basis of the confession of the fourth accused, the petitioner was implicated and that the petitioner was employed for watering the plants.



5. Admittedly, there was no recovery from the petitioner, that the petitioner was added only on the basis of the confession given by the fourth accused and that the petitioner is not having any previous cases under NDPS Act.

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6. Considering the above facts and also the fact that the petitioner is not having any previous cases for similar offence or serious offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the 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 EC and NDPS Court, 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 learned 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 Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with the 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 Judge/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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/03/2022

/ TRUE COPY /

/ /2022
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 JUDGE, EC AND NDPS COURT, MADURAI

2 THE FOREST OFFICER
FOREST OFFICER, SAPTUR FOREST RANGE,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.3783 of 2022

Date :22/03/2022

SS/SBN/SAR:I/28.03.2022 : 3P/4C