



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4730 of 2022

1. Rajapandi,
2. Sneha,
3. Surya @ Aiswariya, ... Petitioners/Accused Nos. 2,3,4

Vs

The State Rep by,
The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
(Crime No. 41 of 2022). ... Respondent/Complainant

For Petitioner : MR.S.Muniyandi, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.41 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8 (c) r/w 20(b)(ii)(B) and 25 of NDPS Act, in Crime No.41 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 24.01.2022, based on the secret information given by the informant, the respondent police conducted a vehicle check-up at Mariamman Kovilpatti Junction, Theni to Kodangipatti, at that time, the petitioner along with others were in possession of 2.500 kgs of Ganja. On seeing the police, the petitioners had escaped from the scene of occurrence and the police



only nabbed A1. Based on the confession statement of A1, the petitioners were implicated in this case. Hence, the complaint.

3.The learned counsel for the petitioners would submit that there was no recovery from the petitioners and only on the basis of the confession statement alleged to have been taken from A1, the petitioners were implicated in this case.

4.The learned Government Advocate (Crl. side) would submit that the Ganja weighing 2.500 kgs was recovered from A1 and on the basis of the confession statement given by A1, the petitioners were implicated in this case. He would further submit that the first petitioner is having one pervious case for similar offence and that the petitioners 2 and 3 are having no previous case under the NDPS Act.

5.At this juncture, the learned counsel for the petitioner seeks permission of this Court to withdraw this petition with respect to the first petitioner is concerned and he has also made an endorsement to that effect. In view of the same, this petition is dismissed as withdrawn as against the first petitioner is concerned.

6.Considering the facts and circumstances of the case and also considering the facts that there was no recovery from the petitioners 2 and 3, that they have been implicated only on the basis of the confession statement given by A1 and that the petitioners 2 and 3 are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.

7.Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal Special Court for NDPS Act Cases, Madurai, on condition that the petitioners 2 and 3 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 petitioners 2 and 3 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 2 and 3 shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.



(c)the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 and 3 shall not abscond either during investigation or trial;

WEB COPY (e)on breach of any of the aforesaid conditions, the learned Special 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 Special 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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 COURT
FOR NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE,
PALANICHETTIPATTI POLICE STATION,
THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-2047[I] dated 15/03/2022)

ORDER
IN
CRL OP(MD) No.4730 of 2022
Date :11/03/2022

PKP/SBN/SAR-3/16.03.2022/3P/5C

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