



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4959 of 2022

Kumar

... Petitioner/Accused Rank Not Known

Vs

The State rep.by,
The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
(Crime No.725/2021)

... Respondent/Complainant

For Petitioner : Mrs.Prabha,
for Mr.D.Rameshkumar,
For Respondent : Mr.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.725 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 alleged offences punishable under Sections 8(c) r/w 20(B) (ii) (A) of NDPS Act r/w 4(1-A), 4(1-a) of TNP Act, in Crime No.725 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 600 kgs of Ganja and 2 1/2 liters of illicit arrack. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the property has been recovered. He would further submit that the petitioner is having 13 previous cases, four cases were under Tamil Nadu Prohibition Act



and 6 cases were under Section 379 IPC and all the cases came to be registered between the year 2009 and 2014.

5. In the present case, admittedly the prosecution has recovered 600 kgs of Ganja and 2 1/2 liters of illicit arrack from the accused.

6. Considering facts and circumstance of the case and also the quantum of contraband seized and that the petitioner is not having any previous cases from 2015 onwards, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Illuppur, Pudukkottai District, 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 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 learned Magistrate 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 am for a period of thirty (30) days 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 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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.

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- TO
- 1 THE JUDICIAL MAGISTRATE
ILLUPPUR PUDUKKOTTAI DISTRICT
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
ANNAVASAL POLICE STATION, PUDUKKOTAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4959 of 2022
Date :21/03/2022

das
MK/SBN/SAR.I/24.03.2022/3P/5C