



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05.04.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.6283 of 2022

Jerry Shelton

... Petitioner/Accused No.2

Vs

State through
The Inspector of Police,
Abiramapattinam Police Station,
Thanjavur District.
(Crime No.660 of 2021)

... Respondent/Complainant

For Petitioner : Mr.R.Vignesh,
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.660 of 2021 on the file of the Respondent police.

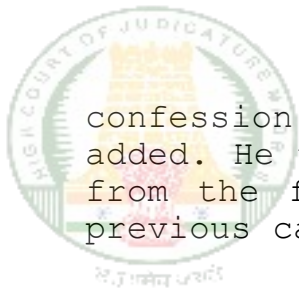
ORDER : The Court made the following order :-

The petitioner/A.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.660 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 19.08.2021, on receipt of secret information, the respondent police conducted a raid on seashore and at that time, they had intercepted an auto without registration number near Keelathottam, that on seeing the police party, two persons, who were in the auto, had escaped from the scene of occurrence and that the respondent police arrested the auto driver, who is the first accused, and recovered 1.100 kg of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was implicated only on the basis of the confession said to have taken from the first accused and that the petitioner is not having any previous cases for similar offence.

4.The learned Additional Public Prosecutor would submit that the accused 1 and 3 were arrested and that on the basis of the



confession given by the first accused, the present petitioner was added. He would further submit that 1.100 kg of Ganja was recovered from the first accused and that the petitioner is not having any previous cases for similar offence.

5. Considering the above facts and circumstances and also the facts that the petitioner was implicated only on the basis of the confession given by the first accused and that the petitioner is not having any previous cases for similar offence, 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Pattukottai, Thanjavur 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 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 a.m., until further orders.

[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]**.

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

sd/-

05/04/2022

/ 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 JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE
ABIRAMAPATTINAM POLICE STATION, THANJAVUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.VIGNESH R Advocate SR.No.2995

ORDER
IN
CRL OP(MD) No.6283 of 2022
Date :05/04/2022

SS/SVR/SAR:II/11.04.2022 : 3P/6C