



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6428 of 2022

Selvam

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
(Crime No.16/2022).

... Respondent/Complainant

For Petitioner : Mr.S.Veerapandi Selvaraj, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.16 of 2021 on the file of the Respondent Police.

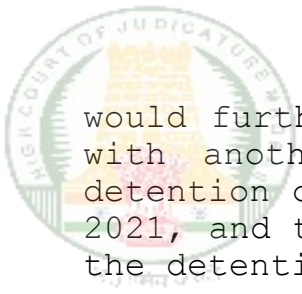
ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.16 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information received on 05.01.2021, the respondent Police conducted raid and they found that the accused is in possession of Ganja weighing 1.150 kgs. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner has earlier filed a petition in Crl.OP(MD)No.7010 of 2021, seeking anticipatory bail, this Court vide order dated 04.03.2021 granted anticipatory bail with certain conditions. He

<https://hcservices.courts.gov.in/hcservices/>



would further submit that the petitioner was arrested in connection with another case and he was detained under Act 14, that the detention order was challenged by the petitioner in H.C.P.No.1187 of 2021, and this Court vide order dated 07.03.2022 has set aside the detention order dated 29.07.2021.

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4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner after granting anticipatory bail, involved in another case in Crime No.819 of 2021, in which, 600 grams of Ganja was recovered from him. He would further submit that only after registration of the said FIR, he was ordered to be detained.

5.Considering the facts and circumstances of the case and also the fact that the petitioner was already granted anticipatory bail in Crl.OP(MD) No.7010 of 2021, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional District and Sessions Judge, Presiding Officer and Special Court for E.C.Act Cases, Thanjavur, 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 10.00.am 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.

sd/-
07/04/2022

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/ /2022

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

DAS

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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PRESIDING OFFICER AND SPECIAL COURT
FOR EC ACT CASES,
THANJAVUR.
- 2 THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

ORDER
IN
CRL OP(MD) No.6428 of 2022
Date :07/04/2022

PKP/SVR/SAR-4/18.04.2022/3P/4C