



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/04/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6560 of 2022

1.Mani

2.Malaisamy

... Petitioners/Accused No.1 & 2

Vs

State rep.by
The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
Cr.No. 118 of 2022.

... Respondent/Complainant

For Petitioners : Mr.Pitchai Muthu.M,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

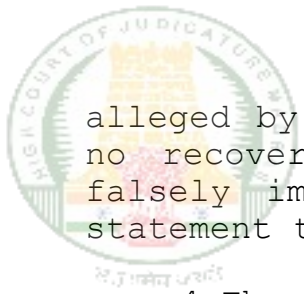
For Anticipatory Bail in Crime No.118 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 8(c) r/w 20(b)(ii)(B) and 24 of NDPS Act, in Cr.No.118 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on receiving secret information, on 29.03.2022, the Police party visited the occurrence place, wherein they found that the petitioners and the other accused were in possession of ganja weighing 1.100 kgs, on seeing the Police party the accused persons tried to run away. Hence, the present complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any offence as



alleged by the prosecution. He would further submit that there was no recovery from the petitioners and that the petitioners were falsely implicated only on the basis of the alleged confession statement taken from the co-accused.

4.The learned Additional Public Prosecutor appearing for the State would submit that the third accused was arrested and 1.100 kgs of Ganja was recovered and only on the basis of the confession taken from him, the petitioners were added as accused. He would further submit that the first petitioner is having one previous case and the quantity of contraband involved in that case is 280 grams and that the second petitioner is not having any previous case under NDPS Act.

5.Admittedly, the entire contraband was recovered from the third accused. Moreover, the petitioners were implicated only on the basis of the confession alleged to have taken from the third accused. Except the confession statement alleged to have been taken from the co-accused, the prosecution has neither shown nor produced any material or evidence to connect the petitioners with the crime in question.

6.Considering the nature of the charges levelled against the petitioners and also the facts that the property has been recovered from the third accused that except the confession statement given by the co-accused, there is no other material to implicate the petitioners in this case, this Court is inclined to grant anticipatory bail to the petitioners, but with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judge, Principal Special Court for EC & NDPS Act Cases, Madurai, Madurai District, on condition that the petitioners 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 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 petitioners 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 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

08/04/2022

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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 SPECIAL JUDGE,
THE PRINCIPAL SPECIAL COURT FOR EC & NDPS
ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
PALANICHETTYPATTI POLICE STATION,
THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6560 of 2022

Date : 08/04/2022

SS/PN/SAR:II/19.04.2022 : 3P/4C