



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7031 of 2022

Rajapandi ... Petitioner/2nd Accused

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.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

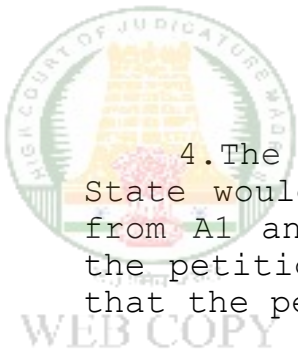
PRAYER :-For Anticipatory Bail in Crime No.41 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends 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, seeks 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 petitioner had escaped from the scene of occurrence and the police only nabbed A1. Based on the confession statement of A1, the petitioner was implicated in this case. Hence, the complaint.

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



4.The learned Additional Public Prosecutor appearing for the State 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 petitioner was implicated in this case. He would further submit that the petitioner is having one pervious case for similar offence.

5.No doubt, the petitioner's earlier application was dismissed as withdrawn on 11.03.2022.

6.Considering the facts and circumstances of the case and also considering the facts that there was no recovery from the petitioner, that he has been implicated in this case only on the basis of the confession statement alleged to have been taken from the co-accused, that the accused Nos.3 and 4 were already granted anticipatory bail by this Court, 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 his arrest or his 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 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 Special Judge 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 Special Court 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 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(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 Special 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 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;
<https://hcmvices.courts.gov.in/lcservices/>



(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/04/2022

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/ /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 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, MADURAI.

+1 CC to Mr.S.MUNIYANDI, Advocate (SR-3772[I] dated 25/04/2022)

ORDER
IN
CRL OP(MD) No.7031 of 2022
Date :25/04/2022

das
MK/JM/SAR.IV/05.05.2022/3P/5C