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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6905 of 2022

Parthiban @ Manish Parthiban ... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
(Crime No.03 of 2022)

... Respondent/Complainant

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

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

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

PRAYER :-

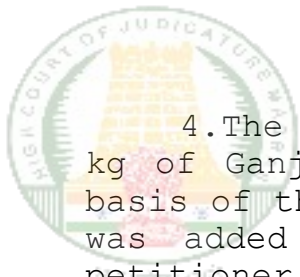
For Anticipatory Bail in Crime No.03 of 2022 on the file of the Respondent police.

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 NDPS Act, 1985, in Crime No.03 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 02.01.2022, on receipt of secret information, the respondent police conducted a raid near Samathuvapuram bus stand and they found that the first accused was in possession of 2 kg of Ganja and thereafter they had arrested the first accused at the occurrence place and that the petitioner/second accused run away from the occurrence place.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case and that he is no way connected with the alleged crime.



4. The learned Additional Public Prosecutor would submit that 2 kg of Ganja was recovered from the first accused and only on the basis of the confession taken from the first accused, the petitioner was added as second accused. He would further submit that the petitioner is not having any previous cases under the NDPS Act.

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5. Considering the above facts and circumstances and also the facts that the contraband was only recovered from the first accused, that the petitioner was implicated only on the basis of the confession taken from the first accused and that the petitioner is not having any previous cases under the NDPS Act, 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 Additional District and Sessions Judge, Presiding Officer and Special Court for EC 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 learned Sessions 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 Sessions Judge 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 Sessions Judge/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 Sessions Judge/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/-

13/04/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.I)
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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PRESIDING OFFICER AND SPECIAL COURT
FOR EC ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.6905 of 2022

Date :13/04/2022

SP/SVR/SAR I/21/04/2022/3P/4C