



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

Date : 18.04.2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7063 of 2022

1. Sridhar
2. Deepan

... Petitioners/Accused 3&4

Vs

State represented by its
The Inspector of Police,
Veerapandi Police Station,
Theni District.
(Crime No.133 of 2022)

... Respondent/Complainant

For Petitioners: Mr.M.Jegadeesh Pandian,
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.133 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.3 & A.4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8 (c), 20(b)(ii)(B), 29(1) and 25 of NDPS Act, 1985, in Crime No.133 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 07.04.2022 at about 08.00 hours, on receipt of secret information, the respondent police took an inspection at about 09.00 hours at Palarpatti - Kulaiyanur road, near Rajangam, Coconut Farm, and they found that the first accused was in possession of 4 kgs of ganja and the same was seized and that thereafter on the basis of the confession statement of the first accused, they went to his house and seized 12 kgs of ganja from his mother, who is the second accused, and based on her confession, the petitioners were added as accused. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the second accused is the mother of the accused 1 and 4 and that the third accused/first petitioner had no direct knowledge about the occurrence.

4.The learned Additional Public Prosecutor would submit that totally 16 kgs of ganja was recovered from the accused 1 and 2 and only on the basis of the confession taken from the accused 1 and 2, the petitioners were added as accused 3 and 4. He would further submit that the petitioners are not having any previous cases under NDPS Act.

5.Considering the above facts and circumstances and also the facts that there was no recovery from the petitioners and they were implicated only on the basis of the confession taken from the accused 1 and 2 and that the petitioners are not having any previous cases under NDPS Act, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special District Sessions Court for NDPS Act Cases, Madurai, 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 learned Magistrate 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c]the petitioners shall not tamper with the 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]***.



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

sd/-

18/04/2022

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/ 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 SPECIAL DISTRICT SESSIONS JUDGE,
SPECIAL COURT FOR NDPS ACT CASES,
MADURAI.
2. THE INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7063 of 2022

Date :18/04/2022

USK/SVR/SAR-I/22.04.2022/3P/4C