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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 26/04/2022

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

**CRL OP(MD) . No.7747 of 2022**

Sundarapandi ... Petitioner/Accused No.3

Vs

State rep.by  
The Inspector of Police,  
Kannivadi Police Station,  
Dindigul District.  
(Crime No.87/2022). ... Respondent/Complainant

For Petitioner : Mr.Santhanam Rajeshkumar, B. Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor

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

PRAYER :-

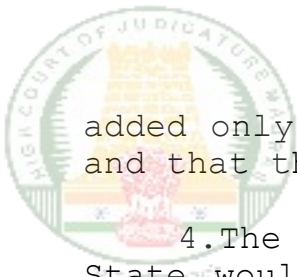
For Anticipatory Bail in Crime No.87 of 2022 on the file of the Respondent Police.

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) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.87 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on receiving secret information, on 10.04.2022, the Police party visited the occurrence place, wherein they found that the petitioner and the other accused were in possession of ganja weighing 1.500 kgs, on seeing the Police party, the accused persons tried to run away. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. He would further submit that the petitioner was



added only on the basis of the confession taken from the co-accused and that the petitioner is not having any previous case.

4. The learned Additional Public Prosecutor appearing for the State would submit that 1.500 kgs of Ganja was recovered from the first accused and on the basis of the confession given by him, the present petitioner was added. He would further submit that the petitioner is none other than the son of the first petitioner and they are doing Ganja business as a family business. He would further submit that the petitioner is not having any previous case under NDPS Act.

5. Considering the facts and circumstances of the case and also the quantum of contraband involved in this case and considering the fact that the petitioner is not having any bad antecedents and that except the confession statement given by the co-accused, there is no other material to implicate the petitioner, 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 Principal District Court and Sessions Judge Special Court for EC & 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 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 10.30. 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 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.

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Sd/-  
26/04/2022

/ /2022  
Sub-Assistant Registrar (C.S.II)  
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 PRINCIPAL DISTRICT COURT  
AND SESSIONS JUDGE SPECIAL COURT  
FOR EC & NDPS ACT CASES, MADURAI,
- 2.THE INSPECTOR OF POLICE,  
KANNIVADI POLICE STATION,  
DINDIGUL DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S. SANTHANAM RAJESHKUMAR.B. Advocate SR.No.3950

ORDER  
IN  
CRL OP(MD) No.7747 of 2022  
Date :26/04/2022