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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

PRESENT

THE HON'BLE MRS JUSTICE T.V.THAMILSELVI

CRL OP(MD) . No.9494 of 2022

Navaneetha Krishnan @ Naveen Kumar ... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
NIBCID,
Dindigul District.
(Crime No.06 of 2022)

... Respondent/Complainant

For Petitioner : Mr.T.Sugadev, Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Govt. Pleader

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

PRAYER :-

For Anticipatory Bail in Crime No.6 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 8(C), 20(b)(ii)(B) and 25 of NDPS Act, 1985, in Crime No.6 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on receiving information from the informant, on 29.04.2022, at about 23.00 hrs., the Sub Inspector of Police, conducted a spot inspection near Mariamman Temple, at Nilakottai Taluk, Kundalapatti Village, at that time, a two-wheeler bearing Reg.No.TN57 CY 0641 Bajaj CT 100, came there and on suspicion, they intercepted the two-wheeler and on search, they found a gunny bag with 2.100 kgs. of ganja. After enquiry, the Sub Inspector of Police arrested the rider and pillion rider of the two-wheeler/A2 and A3 and seized the contraband from the accused persons and based on their confession statements, the petitioner has been arrayed as an accused in this case.



3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that based on the confession statement of A2 and A3, the petitioner has been falsely implicated in this case as main accused/A1. He further submits that except the confession statement of A2 and A3, there are no other materials against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor opposed for grant of anticipatory bail stating that based on the confession statement of A2 and A3, the petitioner has been arrayed as main accused in this case. However, he fairly submits that the contraband was not seized from the petitioner herein.

5. Considering the nature of allegations levelled against the petitioner and also considering the fact that the quantity of contraband involved in this case is not a commercial quantity, except the confession statement of A2 and A3, there are no other materials against the petitioner and also considering the fact that the contraband was not seized from 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special District Sessions 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 learned 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 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 on every Sunday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation.

[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 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 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]**.

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Sd/-
18/05/2022

23/05/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE SPECIAL DISTRICT SESSIONS
JUDGE FOR NDPS ACT CASES, MADURAI.
 2. THE INSPECTOR OF POLICE,
NIBCID, DINDIGUL DISTRICT.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.SUGADEV T Advocate SR.No.4779

ORDER
IN
CRL OP(MD) No.9494 of 2022
Date :18/05/2022

SP/VR/SAR IV/23/05/2022/3P/5C