



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

WEB COPY

PRESENT

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL OP(MD). No.9427 of 2022

Ramar, ... Petitioner/Accused Rank Not Known

Vs

THE STATE REP BY,
The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
(Cr.No.75/2022)

... Respondent/Complainant

For Petitioner : Mr.R.Sathish Kumar, 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.75 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) and 20(b)(ii)(B) of NDPS Act, in Crime No.75 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 25.01.2022 at about 14.00 hrs., when the defacto complainant, who is working as Sub Inspector of Police, was in duty, he received a secret information through phone that the accused person smuggled ganja at Koranadu Karuppur Roundana and based on the information, the defacto complainant along with police officials went to the occurrence place and found that the first accused in this case has been in illegal possession of 1.100 kg. Of ganja in her two-wheeler bearing No. TN68/D/2022/7. Therefore, the defacto complainant arrested the



first accused and based on the confession statement, the petitioner has been implicated 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 the first accused, the petitioner has been falsely implicated in this case. He further submits that except the confession statement of A1, 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 on the ground that the petitioner is having one previous case of IPC offence and based on the confession statement of the first accused, he has been implicated as an accused in this case. He further submits that the investigation is almost completed.

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 A1, there are no other materials against the petitioner and the investigation is also completed in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

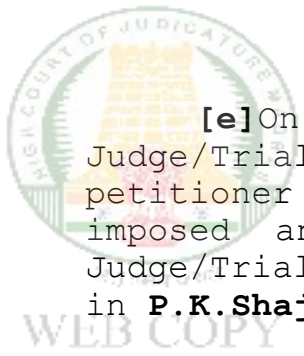
6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Principal Special Court for EC & NDPS Act Cases, Thanjavur, on condition that the petitioner shall 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 Saturday 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]**.

sd/-
18/05/2022

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

TO

- 1 THE PRINCIPAL SPECIAL JUDGE
FOR EC & NDPS ACT CASES, THANJAVUR.
- 2 THE INSPECTOR OF POLICE
KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SATHISH KUMAR, Advocate(SR-4909[I] dated 20/05/2022)

ORDER
IN
CRL OP(MD) No.9427 of 2022
Date :18/05/2022

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PKP/PN/SAR-4/23.05.2022/3P/5C