



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09.06.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.10068 of 2022

WEB COPY

Gopal

... Petitioner/Accused No.4

Vs

State represented by
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
(Crime No.114 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.Vikram, Advocate.
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl. side).

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

PRAYER :-

For Anticipatory Bail in Crime No.114 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.114 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 06.05.2022 at about 07.30 a.m., on receiving a secret information, the respondent police went to Chithravu Burial Ground and at that time, the petitioner and other accused were selling ganja and on seeing the police party, they tried to escape from the scene of occurrence place and the respondent police caught hold of three persons and other persons had escaped from that place and that on search, it was found that the accused were in illegal possession of 1.500 kgs of Ganja and they have arrested them.

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

4.The learned Government Advocate (Criminal Side) would submit that the petitioner was added as accused, only on the basis of the

<https://hcservices.ecourts.gov.in/hcservices/>



confession taken from the first accused and that the petitioner is not having any previous cases for similar offence.

5.Considering the above facts and circumstances and also the facts that there was no recovery from the petitioner, that the petitioner was implicated only on the basis of the confession alleged to have taken from the first accused and that the petitioner is not having any previous cases under 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 Principal 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 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., for a period of one month 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 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/-
09/06/2022

/ 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.

WEB COPY

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

ORDER
IN
CRL OP(MD) No.10068 of 2022
Date :09/06/2022

RS/VR/SAR.1 (14.06.2022) 3P-4C