



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 23/08/2022

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Cr1.OP (MD) No.11865 of 2022

Biju Mon

... Petitioner/Accused-5

Vs.

The State rep. By
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.255 of 2022)

... Respondent/Complainant

For Petitioner : Mr.B.Micheal Sebastin, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Criminal side)

PETITION FOR ANTICIPATORY BIAL under Sec.438 of Cr.P.C.C

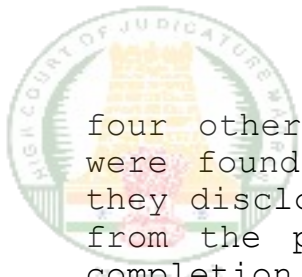
PRAYER:-

For Anticipatory Bail in Crime No.255 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A5 apprehending arrest at the hands of the respondent police for the offences punishable under sections 8(c), 20(b)(ii)(B) and 29(1) of NPDS Act, in Crime No.255 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that he received a secret information from the police informer that on 12/06/2022 at about 7.00 hours, some illegal selling of the contraband is taking place near Kottar, Kalaivanar Nagar. After completing the formalities and registration of the information, he along with the team of police made search and was on surveillance. At that time, near the above said place of occurrence, some persons were found by making pockets. On seeing the police party, all the above said persons went from that place and



four others were apprehended on the spot itself. On search, they were found in possession of ganja weighing 1.100 kgs. On enquiry, they disclosed their names and also stated that persons, who escaped from the place of occurrence as Sachin @ Mukesh @ Paulraj. After completion of sampling, as per the procedure, the contraband was seized on the spot itself. Later, all the four accused persons were arrested and remanded to judicial custody.

3. Seeking anticipatory bail, this petition has been filed by this petitioner on the ground that except the confession statement of the co-accused, no other material has been collected during the course of investigation to connect him with the above said occurrence or offence. During the course of investigation, it was informed to the court that the petitioner is undergoing B.A Tamil at Government Arts and Science College, Konam, Kanyakumari District and by utilising the interim anticipatory bail, he attended the examination.

4. Heard both sides.

5. The learned counsel appearing for the petitioner would submit that this is the first case and no other similar case is pending against the petitioner. The petitioner is a college going student. If anticipatory bail is not granted to him, his future will be affected.

6. No doubt, the petitioner is involved not in similar case, but for the offence under section 387 IPC. etc. The petitioner is having previous case under the provision of IPC offence. But however, considering the fact that the petitioner is a college going student, I am of the considered view that one more opportunity may be given to him to correct himself.

7. So considering the above fact, **anticipatory bail is granted** to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District and Sessions Court for EC and NDPS Act cases, Madurai and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judge concerned and the petitioner shall appear before the respondent police, once in a week i.e., every Sunday at 10.30 am until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner shall appear before the concerned Judge within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

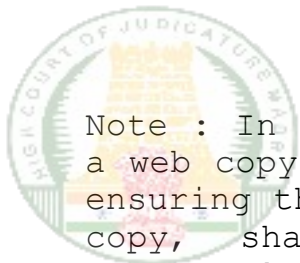
Sd/-

23/08/2022

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/09/2022

Sub-Assistant Registrar (C.S.II)
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 DISTRICT AND SESSIONS JUDGE
FOR EC AND NDPS ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11865 of 2022

Date :23/08/2022

SP/SVR/SAR II/05/09/2022/3P/4C