



WEB COPY



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

Date : 12.07.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.12378 of 2022

A.Selvam

... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
Manur Police Station,
Manur, Tirunelveli District.
(Crime No.517 of 2021)

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.517 of 2021 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) and 25 of Narcotic Drugs and Psychotropic Substances, Act, 1985 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.517 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on receiving a secret information, on 16.12.2021 at about 01.00 p.m., the police party went to Ramayapatti tank, wherein, they found that the petitioner and the other accused were in possession of ganja weighing 1.5 kgs and on seeing the police party, the petitioner tried to run away. Hence, the complaint.



3. Earlier, the petitioner along with the first accused filed a petition seeking anticipatory bail in CrI.O.P.(MD)No.2377 of 2022 and this Court has granted anticipatory bail to the first accused and since the petitioner is having previous cases, dismissed the petition so far as the present petitioner is concerned.

WEB COPY

4. 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.

5. The learned Additional Public Prosecutor would submit that 1.5 kgs of ganja was recovered from the accused 2 and 3 and they were subsequently released on bail. He would further submit that the petitioner is having 3 previous cases in Crime Nos.189 of 2021, 86 of 2014 and 105 of 2015.

6. Admittedly, the petitioner is not having any previous cases under NDPS Act.

7. Considering the above facts and circumstances of the case and also the facts that the accused 2 and 3 were already arrested and released on bail and that the petitioner is not having any previous cases under NDPS Act and also taking note of the quantum of contraband allegedly recovered from the accused 2 and 3, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 District Court for EC and NDPS 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:

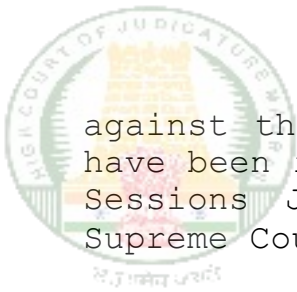
[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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/-
12/07/2022

/ TRUE COPY /

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

CSM

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 SPECIAL DISTRICT JUDGE
FOR EC AND NDPS CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
MANUR POLICE STATION,
MANUR, TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRAGALATHAN N Advocate SR.No.6945

ORDER
IN
CRL OP(MD) No.12378 of 2022
Date :12/07/2022