



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 01/09/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP (MD) Nos.12823 and 13254 of 2022

Ayyakutti

... Petitioner/Accused No.4
(in Crl.O.P. (MD) No.12823/2022)

Paramasivan @ Samiyar Murugan

... Petitioner/Accused No.3
(in Crl.O.P. (MD) No.13254/2022)

Vs.

State rep.by
The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
(Crime No.134 of 2022)

... Respondent/Complainant
(in both Petitions)

For Petitioner : Mr.V.Angusamy, Advocate
(in Crl.O.P. (MD) No.12823/2022)

: Mr.R.Aravind Raj, Advocate
(in Crl.O.P. (MD) No.13254/2022)

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

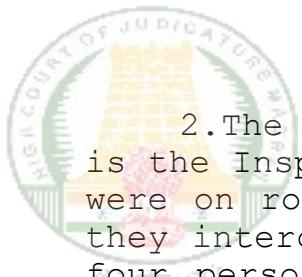
PETITIONS FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.134 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioners, who are arrayed as accused persons apprehending arrest at the hands of the respondent police for the offences punishable under section 8(c) and 20(b)(ii)(B) of NDPS Act, in Crime No.134 of 2022 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the de-facto complainant is the Inspector of Police Morappanadu along with team of police men were on routine vehicle check up. On 05/07/2022 at about 04.00 pm, they intercepted 2 two wheelers. On suspension, search was made and four persons were available. Out of the four persons, two persons escaped and two persons have been apprehended. They disclosed their name as Seetharaman and Rakesh. On search, they were found in possession of 1.96 kgs of ganja and subsequent sampling was undertaken as per the rules and procedure. They have been arrested and remanded to custody and the petitioners were arrayed as A3 and A4.

3.These petitions have been filed on the ground that only two persons have been apprehended on the spot and A4 is not at all present in the place of occurrence. He is the man working in Muthoot Micro Finance Limited. To the possession, he was made against A1 and A2 cannot be stated to be the conscious and joint possession.

4.The learned Government Advocate (Criminal side) would submit that against A1, several cases are pending and so far as the petitioners are concerned, no previous case is pending.

5.The learned counsel appearing for the petitioner/A4 has also produced the service certificate showing that he is working in Muthoot Micro Finance Limited and also produced a certificate showing that the above said accused Ayyakutti is working as Branch Relation Manager. How he has been implicated in this matter and the call details of this petitioner have been collected. Because of the call details, he has been arrayed as an accused.

6.Considering the fact that the petitioners are not involved in similar cases on the previous occasion and no bad antecedent is also reported against them and similarly placed persons have also been granted regular bail namely A1 and A2, this court is inclined to enlarge the petitioners on anticipatory bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Special Court for NDPS Act Cases, Madurai and on each of them 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 petitioners shall appear before the respondent police daily at 10.00 am until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

Sd/-

01/09/2022

/ TRUE COPY /

07/09/2022

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.

TO

1. THE SPECIAL JUDGE FOR
NDPS ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. ANGUSAMY.V Advocate SR.No.42490

ORDER
IN
Crl.OP (MD) Nos.12823
and 13254 of 2022
Date :01/09/2022

SP/SVR/SAR II/07/09/2022/3P/5C