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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.13932 of 2022

Esakkimuthu @ Subbaiah

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Aralvoimozhi Police Station,
Aralvoimozhi,
Kanniyakumari District.
Cr.No.582/2020.

... Respondent/Complainant

For Petitioner : M/s.N.Pragalathan, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.582/2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 8(c), 20 (b)(ii)(B), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.582 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 1.100 kgs of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. However, the petitioner shall abide any condition imposed by this Court. Hence, he may be granted anticipatory bail.

4.The learned Additional Public Prosecution appearing for the respondent police would submit that the petitioner is not having any



previous case and the investigation is not yet completed. I am strongly opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and considering the quantity of Ganja involved in this case and also the fact that the petitioner is not having any bad antecedents, 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 District Judge (for EC&NDPS cases), Madurai, on condition that the petitioner shall execute 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 Magistrate 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before 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 Magistrate/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 Magistrate/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/-

10/10/2022

/ TRUE COPY /

/10/2022

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.



TO

1 THE PRINCIPAL SPECIAL DISTRICT JUDGE (FOR EC & NDPS CASES),
MADURAI.

2 THE INSPECTOR OF POLICE, ARALVOIMOZHI POLICE STATION,
ARALVOIMOZHI, KANNIYAKUMARI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-11162[I] dated
10/10/2022)

ORDER

IN

CRL OP(MD) No.13932 of 2022

Date :10/10/2022

CP

RS/SBN/SAR.2(19.10.2022) 3P-5C