



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2022

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PRESENT

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

CRL OP(MD). No.14846 of 2022

Iyyappan, ... Petitioner/Accused No.3

Vs

State Rep by
The Inspector of Police,
Pettai Police Station,
Pettai, Tirunelveli City.
(Crime No.152/2022).

... Respondent/Complainant

For Petitioner : M/s.Pragalathan N,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

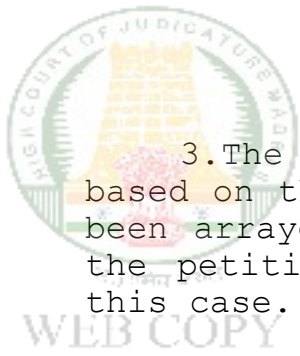
PRAYER :-

For Anticipatory bail in Crime No.152/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.152 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on receipt of secret information, the respondent police went to the occurrence place. On seeing the police party, the first accused tried to run away from that place, but the respondent police arrested him and seized 1.200 kgs of Ganja from him and on enquiry, it was found that the first accused purchased 1.000 kgs of Ganja from the second accused and



3.The learned counsel for the petitioner would submit that based on the confession given by the co-accused, the petitioner has been arrayed as accused in this case. He would further submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) strongly opposed this petition on the ground that the petitioner is having seven previous cases, which are similar in nature.

5.Considering the facts and circumstances of the case and also considering the small quantity of ganja involved in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.2,000/- (Rupees Two Thousand only)** to the **Anbagam, Race Course Road, K.Pudur, Madurai 600 007**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Principal Special District Court for EC and NDPS Cases, Madurai.

7.On production of such receipt, 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Court 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 Special Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with 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 Special 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 Special Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji**



Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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21/09/2022

/ TRUE COPY /

/10/2022

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

SJI

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 Court
for EC and NDPS Cases, Madurai.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Pettai Police Station,
Pettai, Tirunelveli City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Officer Incharge,
the Anbagam, Race Course Road, K.Pudur, Madurai 600 007,

+1 CC to M/s.M/S.PRAGALATHAN N, Advocate (SR-10459[I] dated 23/09/2022)

ORDER

IN

CRL OP(MD) No.14846 of 2022

Date : 21/09/2022

TR/GB/SAR-I(30.09.2022) 3P 7C