

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

Date : 30/09/2022

PRESENT

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

CRL OP(MD). No.15980 of 2022

1. Dhivakar
2. Suthersan

... Petitioners/Accused No.2&3

Vs

The State Rep. By,  
The Inspector of Police,  
K.Pudur Police Station,  
Madurai City.  
(Crime No.299/2022).

... Respondent/Complainant

For Petitioner : M/s.Sathish Kumar K,  
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.299/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8 (c) r/w.20 (b)(ii)(B) of NDPS Act Section 25(1) (a) of Arms Act in Crime No.299 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 10.08.2022 at 15.00 hours, on receiving the secret information, the respondent police went to the place of occurrence along with informer and at that time, after seeing the police officials, two accused persons escaped from the scene of occurrence and the remaining accused were secured and they were found in possession of 2.100 kgs of Ganja illegally and hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) would submit that the contraband recovered is in-between quantity and the A1 has already been arrested and released on bail. He would further submit that the investigation of the case is still pending and hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that co-accused has already been released on bail and that the contraband seized is in-between quantity, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for NDPS Act Cases, Madurai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**; and;

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

sd/-  
30/09/2022

/ TRUE COPY /

/10/2022

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

TO

1. THE PRINCIPAL SPECIAL JUDGE,  
SPECIAL COURT FOR NDPS ACT CASES,  
MADURAI.
2. THE INSPECTOR OF POLICE,  
K.PUDUR POLICE STATION,  
MADURAI CITY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SATHISH KUMAR, Advocate ( SR-10906[I] dated  
03/10/2022 )

ORDER  
IN  
CRL OP(MD) No.15980 of 2022  
Date :30/09/2022

trp  
USK/SBN/SAR-II/12.10.2022/3P/5C