



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.16610 of 2022

Manoj @ Manojkumar,

... Petitioner/Accused No.4

Vs

State Rep by
The Inspector of Police,
Tamil University Police Station,
Thanjavur.
(Crime No. 553 of 2021). ... Respondent/Complainant

For Petitioner : M/s.Vinothkumar.B,
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.553 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.553 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is the Inspector of Police, lodged a complaint stating that while he was in patrol duty along with police party, the petitioner and other accused standing in a suspicious manner near TMMS colony street, for which, he went to near them and at that time, the petitioner and the second accused fled away from the occurrence place. The respondent police arrested the accused 1 and 3 and seized 2.250 kgs of Ganja from them. Hence, the complaint.



3.The learned counsel for the petitioner would submit that based on the confession given by A1 and A2, the petitioner has been arrayed as accused in this case. He would further submit that there was no recovery from this petitioner and he is innocent and he is no way connected with the above said offence.

4.The learned Government Advocate (Crl.Side) would submit that A1 and A2 were already released on bail and the petitioner is having three previous cases, which are not 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.5,000/- (Rupees Five 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 Additional District Judge/Presiding Officer, Special Court under E.C. Act, Thanjavur.

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 Additional District Judge/Presiding Officer, Special Court under E.C. Act, Thanjavur, 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:

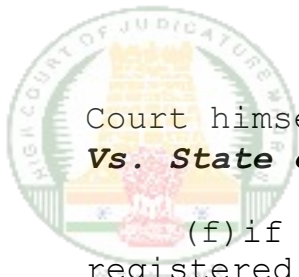
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 *ji*
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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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 Additional District Judge/
Presiding Officer,
Special Court under E.C. Act, Thanjavur.
2. The Inspector of Police,
Tamil University Police Station,
Thanjavur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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

+1 CC to M/s.M/S.VINOTHKUMAR.B, Advocate (SR-10370[I] dated 22/09/2022)

ORDER
IN
CRL OP(MD) No.16610 of 2022
Date : 21/09/2022

TR/GB/SAR-II(30.09.2022) 3P 6C