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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2022

PRESENT

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

CRL OP(MD). No.16488 of 2022

Karuppaiyan @ Gandhi, ... Petitioner/Accused No.5

-Vs-

State Rep.by
The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District
(Crime No. 414 of 2022).

... Respondent/Complainant

For Petitioner : Mr.M.Maran, Advocate.

For Respondent : Mr.E. Antony Sahaya Prabhar,
Government Advocate (Crl.Side)

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

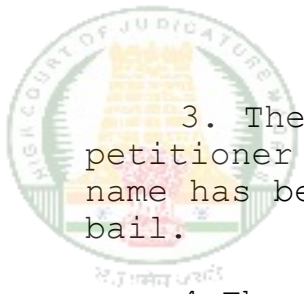
PRAYER :-

For Anticipatory Bail in Crime No. 414 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8 (c), 20(b)(ii) (B) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime.No.414 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on receiving secret information, the defacto complainant conducted vehicle check up near the Mallipattinam Chinnamalai Bridge on 20.08.2022 at around 9.15 am and at that time, the petitioner herein and other accused have found in possession of 1.100 Kg of Ganja illegally. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence and his name has been falsely implicated in this case and seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that totally six accused involved in this case and the petitioner herein is arrayed as A5 and he is not having any previous case. He would further submit that the contraband seized is in-between quantity and the investigation of the case is pending and he strongly opposed to grant anticipatory anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the contraband seized is in-between quantity, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional District and Sessions Judge, Special Court Under E.C Act Cases, 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 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear 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 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]; and;



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

sd/-

18/10/2022

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/10/2022

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

TO

- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE,
SPECIAL COURT UNDER E.C.ACT CASES,
THANJAVUR.
- 2 THE INSPECTOR OF POLICE
SETHUBAVACHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.16488 of 2022

Date :18/10/2022

trp

PKP/VR/SAR-2/26.10.2022/3P/4C