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CRL OP(MD). A



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

Date : 27/10/2022

PRESENT

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

CRL OP(MD). No.17115 of 2022

T.Karthikeyan

... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
Crime No.198 of 2022..

... Respondent/Complainant

For Petitioner : Mr.C.Karthikeya, 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.198 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 8(c), 20(b)(ii)(B) and Section 25 of NDPS Act, 1985 in Crime No.198 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 23.07.2022, the accused persons were found in illegal possession of 2kgs of ganja. Hence, the complaint.

3. On the side of the petitioner, it is stated that a false case has been foisted against the petitioner. This petitioner is arrayed as A5. He is noway connected with the offence. Hence, prays to release him on anticipatory bail.



4. On the side of prosecution, it is stated that the petitioner is having four previous cases. In this case, investigation is not yet completed. Hence, prayed to dismiss the petition.

5. Considering the facts and circumstances of the case, nature of the offence and also considering the inbetween quantity of contraband, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the credit of Head Mistress, Annai Sathya Ammaiyar Memorial Government Home for Destitute Children, Dr.Thangaraj Colony, K.K.Nagar, Madurai-625 020 (CIF No.89263656176, IFSC No: SBIN0007922, A/c No.37487255860) Phone No.2529809**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7. On production of such receipt/acknowledgment, 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 Judicial Magistrate, Vadipatti, 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 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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;



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

sd/-
27/10/2022

/ TRUE COPY /

/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
VADIPATTI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEADMISTRESS,
ANNAI SATHYA AMMAIYAR MEMORIAL GOVERNMENT
HOME FOR DESTITUTE CHINDREN,
DR.THANGARAJ COLONY,
K.K.NAGAR, MADURAI -625 020.

ORDER
IN
CRL OP(MD) No.17115 of 2022
Date :27/10/2022

PNM
PKP/SSS/SAR-4/04.11.2022/3P/6C