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.17507 of 2022

1. Uthandumurugan

2. Krishnamoorthi @ Moorthy ... Petitioners/Accused No.6&7

Vs

The State Rep. By,
The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.
Crime No. 460/2022. ... Respondent/Complainant

For Petitioner : M/s.Vishnuvardhan.S,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.460 of 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 in Crime No.460 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 24.09.2022 at about 9.00 hours, on receipt of secret information, the respondent police has conducted inspection near American Hospital bus stop. At that time, upon seeing the respondent police, the accused persons started to run away from that place. Hence, the respondent police surrounded the A1 to A3 and found that they were in possession of 3 kg 300 gms 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 seized is in-between quantity and the petitioner herein is not having any previous case. He would further submit that A1 to A3 have already been arrested and still in custody and the investigation of the case is still pending. He would further submit that based on the confession of co-accused, the petitioners herein are arrayed as accused and 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 the contraband seized is in between quantity and that the petitioner is not having any previous case, 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 learned Judicial Magistrate No.III, Thoothukudi 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 JUDICIAL MAGISTRATE NO.III,
   THOOTHUKUDI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
   THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
   THOOTHUKUDI NORTH POLICE STATION,
   THOOTHUKUDI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
   MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17507 of 2022
Date :30/09/2022

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