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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17890 of 2022

1. M.Subbukutty @ Karthick
2. M.Muppidathi ... Petitioners/Accused Nos.3 & 4

Vs

The State rep.by,
The Inspector of Police,
Alangulam Police Station,
Alangulam,
Tenkasi District.
(Crime No.239/2022). ... Respondent/Complainant

For Petitioners : M/s.Pragalathan N,
Advocate.
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No.239/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ accused Nos. 3 and 4, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c),20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.239 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 2.150 Kgs of Ganja. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. However, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount that may be imposed by this Court.

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4.The learned Additional Public Prosecutor (Crl.side) appearing for the respondent police would submit that 14 previous cases are pending against the first petitioner and one previous case is pending against the second petitioner.

5.Considering the above and also the nature of the charges levelled against the petitioners and also considering the antecedents of the petitioners, this Court is inclined to anticipatory grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal Special District Court, (for EC & NDPS Cases), Madurai, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) each**, with two sureties each for a like sum 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police **once in a week i.e., on every Sunday at 10.30 a.m.**, for a period of Eight weeks, and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with the 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 / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/10/2022

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/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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.

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TO

1 THE PRINCIPAL SPECIAL DISTRICT JUDGE,
(FOR EC & NDPS CASES), MADURAI.

2 THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION, ALANGULAM,
TENKASI DISTRICT.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-11055[I] dated 07/10/2022)

ORDER
IN
CRL OP(MD) No.17890 of 2022
Date :06/10/2022

TTA
MK/SVR/SAR.II/10.10.2022/3P/5C

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