



WEB COPY



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

Date : 13/10/2022

PRESENT

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

CRL OP(MD) . No.18195 of 2022

Sathireswaran

... Petitioner/3rd Accused

Vs

State rep.by
The Inspector of Police,
Bodinaickanur Rural Police Station,
Theni District.
(Crime No.251/2022).

... Respondent/Complainant

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

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

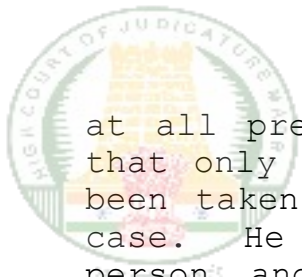
For Anticipatory bail in Crime No.251/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 25 of NDPS Act, in Crime No.251 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 1.100 kgs of ganja. Hence, the complaint.

3. The learned counsel for the petitioner would submit that there was no recovery from the petitioner and the petitioner was not



at all present in the occurrence place. He would further submit that only on the basis of the confession statement alleged to have been taken from the first accused, he has been implicated in this case. He would further submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that based on the confession statement of the co-accused, this petitioner has been implicated in this case and the petitioner is having four previous cases, out of which, two cases are similar in nature and investigation is not yet completed. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the quantum of ganja involved in this case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) **to the credit of the Chief Justice Relief Fund, payable in Accounts Section of the High Court Registry, Madurai Bench of Madras High Court, Madurai,** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Principal Special Judge for NDPS Act Cases, Madurai.

7. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal Special Judge for NDPS Act Cases, Madurai, 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 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/-
13/10/2022

/ TRUE COPY /

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

cp

TO

1. THE PRINCIPAL SPECIAL JUDGE
FOR NDPS ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
BODINAICKANUR RURAL POLICE STATION,
THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE SECTION OFFICER, ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
(CHIEF JUSTICE RELIEF FUND).

+1. CC to M/S.J.JEYA ARON RAJA Advocate SR.No.11405

ORDER
IN
CRL OP (MD) No.18195 of 2022
Date :13/10/2022

SP/GB/SAR II/26/10/2022/3P/6C