



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

Date : 09/03/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.19884 of 2021

Nagalakshmi : Petitioner/Accused No.2
**(*) (wrongly mentioned in the
FIR as Nagajothi)**

Vs

State rep.by
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
Cr.No.504 of 2021. : Respondent/Complainant

For Petitioner : Mr.Mahendrapathy.S.
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.504 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends 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 1985, in Cr.No.504 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on receiving secret information, on 23.11.2021, the Police party reached Periyar Oorcheri Kanmai, wherein they found that the petitioner and the other accused were in possession of ganja weighing 1.800 kg. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that on 23.11.2021 at about 16.00 hours, on seeing the Police party, both the petitioner as well as the first accused ran away from that spot and that the respondent has recovered 1.800 kg of ganja and subsequently, A1 was arrested and that thereafter, on the basis of the confession given by the first accused, the petitioner was added. He would further submit that the petitioner is not having any previous case at his credit.

5.Admittedly, there was no recovery from the petitioner and only on the basis of the confession alleged to have taken from the first accused, the petitioner was added.

6.Considering the nature of the charges levelled against the petitioner and also the facts that the property has been recovered from the co-accused and that the petitioner is not having any previous cases for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

7. Accordingly, 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 Additional Principal Special Court for EC & NDPS Act Cases, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Special Judge 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 for a period of one month and thereafter, as and when required for interrogation.

(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/-
09/03/2022

WEB COPY

**(*)FOR BEING MENTIONED, AS PER
THE ORDER OF THIS HONOURABLE
COURT DATED 25/03/2022 IN CRL OP
(MD) NO.19884 OF 2021.**

**Time to surrender and execute
bond is extended by two weeks
from the date of receipt of a
copy of this order.**

/ TRUE COPY /

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

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.

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 09/03/2022 ALREADY DESPATCHED

- 1 THE ADDITIONAL PRINCIPAL SPECIAL JUDGE FOR EC & NDPS ACT CASES,
MADURAI.
- 2 THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19884 of 2021
Date :09/03/2022

RS/SBN/SAR.3(16.03.2022) 3P-4C
USK/PN/SAR-II/29.03.2022/3P-4C