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CRL OP(MD). N



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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.18975 of 2022

E.Mariyasingam

... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.
(Crime No.460/2022).

... Respondent/Complainant

For Petitioner : Mr.C.Anand, 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. 460 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) and 20(b)(ii)(B) of the NDPS Act, in Crime No.460 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 24.09.2022, the accused persons were found in illegal possession of 3.300kgs of ganja. Hence, the complaint.

3.On the side of the petitioner, it is stated that a false case was foisted against the petitioner. This petitioner is arrayed as A5. Based on the confession of co-accused, this petitioner was impleaded in this case. The co-accused were already enlarged on bail. Hence, prays to release him on anticipatory bail.



4. On the side of prosecution, it is stated that the petitioner is not having any bad antecedent at his credit. In this case, investigation is not yet completed. Hence, prays to dismiss the petition.

5. Considering the nature of the offence, the inbetween of contraband and also considering the fact that the petitioner is not having any bad antecedent at his credit, 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.4,000/- (Rupees Four Thousand only) to the credit of Claretian Mercy Home, Azhagusirai, Ponnammangalam (post) Thirumangalam Taluk, Madurai District, Union Bank of India, Kochadai Account No. 493902010319538, IFSC Code No. UBIN 0549398) (Phone Nos. 04549-294901 & 8098672866)**, 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 Principal Special District Sessions Judge, EC and NDPS Court, 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 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 Judge 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 Judge/ 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



Judge/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.

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/11/2022

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

TO

- 1 THE PRINCIPAL SPEICAL DISTRICT
SESSIONS JUDGE, EC AND NDPS COURT,
MADURAI.
- 2 THE INSPECTOR OF POLICE
THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
CLARETIAN MERCY HOME,
AZHAGUSIRAI,
PONNAMANGALAM (POST)
THIRUMANGALAM TALUK,
MADURAI DISTRICT.

+1 CC to M/s.K.DINESH, Advocate (SR-12021[I] dated 28/10/2022)

ORDER
IN
CRL OP(MD) No.18975 of 2022
Date :27/10/2022

PNM
PKP/GB/SAR-2/04.11.2022/3P/6C