



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31/10/2022

PRESENT

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

WEB COPY

CRL OP (MD).Nos.19160 & 19193 of 2022

M.Anto

... Petitioner/Accused No.5
in CRL OP (MD).19160 of 2022

Ajith @ Ajithkumar

... Petitioner/Accused No.7
in CRL OP (MD).19193 of 2022

Vs

The State rep.by
The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.
(Crime No.461/2022)

... Respondent/Complainant
in both petitions

For Petitioner : Mr.C.Anand, Advocate.
(**Cr1.O.P (MD) No.19160 of 2022**)

For Petitioner : Mr.D.Selvanayagam, Advocate.
(**Cr1.O.P (MD) No.19193 of 2022**)

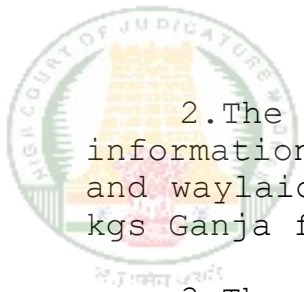
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor
(**In Both Petitions**)

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

COMMON PRAYER :- For Anticipatory Bail in Crime No.461/22 on the
file of the Respondent police.

COMMON ORDER : The Court made the following common order :-

The petitioners/A5 & A7, 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.461 of 2022, seek
anticipatory bail.



2.The case of the prosecution is that based on the information, on 24.09.2022, the respondent police conducted a raid and waylaid a bike in Gandhi Statue at Thoothukudi and seized 3-1/2 kgs Ganja from A1 to A4. Hence, the complaint.

3.The learned counsel for the petitioners would submit that based on the confession statement given by the co-accused, the petitioners have been arrayed as accused in this case. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that in this case, co-accused already released on bail. Therefore, they seek anticipatory bail.

4.The learned Additional Public Prosecutor would submit that petitioners' name were found in the FIR. The quantity of Ganja involved in this case is 3-1/2 kgs and no previous case is pending against the petitioners.

5.Taking note of the fact that the quantity of Ganja involved in this case is 3-1/2 kgs, which is in between quantity and also the fact that the petitioners are not having any bad antecedents, 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 arrest or their 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 EC and NDPS Act Cases, Madurai, on condition that the petitioners 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 Court 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 Special court/concerned court 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 Special Court/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 Special Court/Trial Court himself as laid down by the



Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2022) 4 SCC 5560]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

sd/-
31/10/2022

/ TRUE COPY /

/11/2022

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

TO

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

+1. CC to M/S.K.DINESH, Advocate SR.No.12225

+1. CC to M/S.D.SELVANAYAGAM, Advocate SR.No.12183 **(I)**
Date:01/11/2022.

ORDER

IN

CRL OP (MD).Nos.19160 & 19193 of 2022
Date :31/10/2022

skn
SA/SBN/SAR.1/08.11.2022/3P/6C