



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

Date : 28/10/2022

PRESENT

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

CRL OP(MD). No.19125 of 2022

WEB COPY

J.Moovish @ Movis

... Petitioner/Accused No.5

Vs

The State rep.by,
The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
Cr.No.293/22.

... Respondent/Complainant

For Petitioner : M/s.Azhagesh B,
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.293/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B), 29(1) and 27A of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.293 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as Sub-Inspector of Police in the respondent police station and on 20.10.2022, he got secret information from his informer that the accused persons came in possession of Ganja near Ayyanarpuram Ayyanar Temple. Based on the secret information, the de-facto complainant along with police officials went to the said place and waiting, thereafter, when the informant identified the said persons and on seeing the police party, the petitioner and other accused fled away from the scene of occurrence. The respondent police nabbed A-1 and recovered 10kgs of Ganja from him. On enquiry, A1 stated that he along with other accused including the petitioner have purchased 34kgs of Ganja from Andhra and 24kgs of Ganja have been given to one person at Villupuram and while walking near Ayyanar Temple, the remaining 10kgs of Ganja was seized. Hence, the



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and there was no recovery from the petitioner. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the respondent police seized 10kgs of Ganja from A1 and based on his confession, the petitioner has been arrayed as accused in this case. On further enquiry, it reveals that the petitioner purchased the said contraband from Andhra and he is the main accused in this case and he is having one previous case and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail.

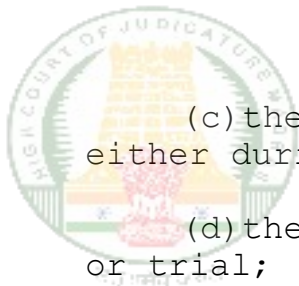
5.Considering the facts and circumstances of the case and also considering the fact that the quantity of Ganja involved in this case is 10kgs, which is in between quantity, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of **Government Rajaji Hospital, Madurai (Indian Bank, Tallakulam (233) Branch, CIF No:30418657357, IFSC Code: IDIB000T003, MICR Code: 625019008, A/c No:7097546149)** for the purpose of constructing Cancer Institute, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate Court, Aundipatti.

7.On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Aundipatti, 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 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 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/-

28/10/2022

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/11/2022

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

sjj

TO

1.THE JUDICIAL MAGISTRATE COURT, AUNDIPATTI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3.THE INSPECTOR OF POLICE,
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.

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

COPY TO

THE OFFICER IN CHARGE,
GOVERNMENT RAJAJI HOSPITAL, MADURAI

+1 CC to M/s.B.AZHAGESH, Advocate (SR-12216[I] dated 01/11/2022)

ORDER

IN

CRL OP(MD) No.19125 of 2022

Date :28/10/2022