



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2022

PRESENT

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

CRL OP(MD).Nos.19207 & 19224 of 2022

Vigneshwaran @ Vignesh

... Petitioner/Accused No.4
(in CRL.O.P.(MD).No.19207/2022)

S.Prakash

... Petitioner/Accused No.6
(in CRL O.P.(MD).No.19224/2022)

Vs

State through
The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
(Crime No.293/2022)

... Respondent/Complainant
(in both Petitions)

For Petitioner : Mr.S.Selvakumar, Advocate.
(in CRL.O.P.(MD).No.19207/2022)
Mr.R.Senthilkumar, Advocate.
(in CRL O.P.(MD).No.19224/2022)

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor
(in both Petitions)

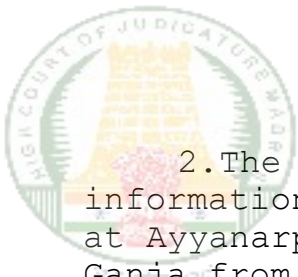
PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.293/22 on the file of the Respondent police.

ORDER : The Court made the following common order :-

The petitioners/A4 & A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8 (c) r/w 20(b)(ii)(B), 29(1) and 27A of NDPS Act in Crime No.293 of 2022, seek anticipatory bail.



2.The case of the prosecution is that based on the secret information, on 20.10.2022, the respondent police conducted a raid at Ayyanarpuram near Vaikai River and they recovered 10 Kilograms of Ganja from A1. Hence, the complaint.

WEB COPY

3.The learned counsel for the petitioners would submit that based on the confession statement of the first 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. 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 10 kgs and one previous case is pending against the petitioner/A6 and no previous case is pending against the petitioner/A4. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Taking note of the fact that the quantity of Ganja involved in this case is 10 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:

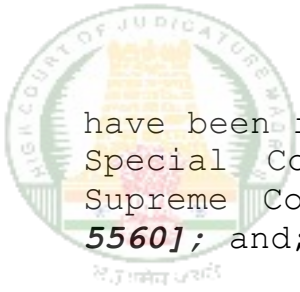
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Special court/concerned court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 [(2005) AIR SCW 5560]**; and;

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

Sd/-
31/10/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

skn

TO

1. THE PRINCIPAL SPECIAL JUDGE FOR
EC AND NDPS ACT CASES, MADURAI.
 2. THE INSPECTOR OF POLICE,
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.J.JEYA ARON RAJA Advocate SR.No.12209
- +1. CC to M/S.H.MOHAMMED FAROOK Advocate SR.No.12188

ORDER
IN
CRL OP(MD) No.19207 of 2022
Date :31/10/2022

SP/GB/SAR II/07/11/2022/3P/6C