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

Date : 01/11/2022

PRESENT

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

CRL OP (MD) . No.19274 of 2022

Deivendran @ Deivendran

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Nagamalaipudhukottai Police Station,
Madurai.
(Crime No.554/2019).

... Respondent/Complainant

For Petitioner : M/s. Eswaran.M., 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.554/2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 8(c) r/w. 20(b) (ii) (B) of NDPS Act, 1985 in Cr.No.554 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that on receiving secret information, the respondent police conducted raid and seized Ganja weighing about 1 Kilo 700 gms from the petitioner and other accused. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the contraband has been recovered only from A1 and the petitioner herein is innocent and his name has been falsely implicated in this case.



4.The learned Government Advocate(Crl.Side) would submit that contraband was seized from the petitioners and the A1 already arrested and released on bail. He further contended that the petitioner is having 6 previous cases in similar nature and the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the contra band seized is in-between quantity and that the co-accused has already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, 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 learned Special Judge for Essential Commodities and NDPS Cases, 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 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 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/-

01/11/2022

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/11/2022

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



TO

1. THE SPECIAL JUDGE FOR
ESSENTIAL COMMODITIES AND NDPS CASES,
MADURAI.

2. THE INSPECTOR OF POLICE,
NAGAMALAIPUDHUKOTTAI POLICE STATION,
MADURAI.

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

+1. CC to M/S. ESWARAN.M. Advocate SR.No.12335

ORDER

IN

CRL OP (MD) No.19274 of 2022

Date :01/11/2022

SP/SSS/SAR II/09/11/2022/3P/5C