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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.19253 of 2022

Deivendran @ Deivendran

... Petitioner/Accused
No.2

Vs

State rep.by
The Inspector of Police,
Nagamalaipudhukottai Police Station,
Madurai.
(Crime No.108 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Eswaran.M., Advocate.

For Respondent : Mr.E. Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.108 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 8(c) r/w.20(b), (ii) (B), 25 Narcotic Drugs and Psychotropic in Crime.No.108 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on receiving secret information, the respondent police conducted raid and that the petitioner and other other accused have found in possession of 6 Kgs of Kanja and same was seized. Hence, the complaint.



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 his name has been falsely implicated in this case and seek anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that A1 is the wife of A2 and she has already been arrested and remanded to Judicial custody. He further contended that the petitioner herein is having 6 previous cases in similar nature and the A1 has already been detained under Goondas Act. He would further submit that the investigation of the case has already been completed and the charge sheet was filed before the concerned Magistrate and the same was taken on file as C.C.No.400 of 2022,

5. Considering the facts and circumstances of the case and also considering the fact the charge sheet has already been filed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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 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 his 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 appear before the concerned Court on each and every hearing date without fail;

(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 petitioners 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.

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

TRP

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.12334

ORDER
IN
CRL OP(MD) No.19253 of 2022
Date :01/11/2022

SP/GB/SAR II/08/11/2022/3P/5C