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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2022

PRESENT

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

CRL OP(MD) . No.19440 of 2022

Rajasekar @ Maadupidi RajaseKar ... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Thideer Nagar Police Station,
Madurai City.
(Crime No.466/22).

... Respondent/Complainant

For Petitioner : M/s.Sathish Kumar K, 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.466/2022 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), 25 and 29 of NDPS Act and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Cr.No.466 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on receiving secret information the respondent police conducted raid, wherein the petitioner herein and other accused have illegally found in possession of 1.200 kgs. 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.

4. The learned Government Advocate (Crl. Side) would submit that A3 has already been granted anticipatory bail by this court in Crl.O.P(MD).No.17898 of 2022 on 06.10.2022. He would further submit that the petitioner herein is having seven previous cases 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 co-accused has already been granted anticipatory 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 Principal Special District Judge for EC and NDPS Act 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 is directed to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the Tamil Nadu Mediation and Conciliation Centre attached to this Court, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

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Sd/-
03/11/2022

/ TRUE COPY /

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

TRP

TO

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

COPY TO :

THE CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (SOFT COPY)

ORDER
IN
CRL OP(MD) No.19440 of 2022
Date :03/11/2022

SP/BUC/SAR II/17/11/2022/3P/4C