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

Date : 11/11/2022

PRESENT

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

CRL OP (MD) . No.19497 of 2022

M.Suresh

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
(Crime No.262 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Balamurugan S, 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.262 of 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 Sections 8
(c) and 20(b)(ii)(B) of NDPS Act, 1985, in Cr.No.262 of 2022, seeks
anticipatory bail.

2.The case of the prosecution is that the petitioner and other
accused were found in illegal possession of 1.780 kg of Ganja.
Hence, the complaint.



3.The learned counsel for the petitioner would submit that based on the confession statement of the co-accused, the petitioner has been arrayed as accused in this case, his name was not found in the FIR and no recovery was made from this petitioner. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that totally 6 accused are involved in this case. The petitioner was arrayed as A5. A1 & A2 were arrested and still in custody. The quantity of Ganja involved in this case is 1.780 kg. The investigation is not yet completed. Hence, 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 quantity of Ganja involved in this case is 1.78 0kg, which is in between quantity, 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 Judicial Magistrate, Tenkasi, Tenkasi District, 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 Court 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 Special court/concerned court 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 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.

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Sd/-
11/11/2022

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/11/2022

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

DSS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

1. THE JUDICIAL MAGISTRATE,
TENKASI, TENKASI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
CHOKKAMPATTI POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.BALAMURUGAN S Advocate SR.No.12977

ORDER
IN
CRL OP(MD) No.19497 of 2022
Date :11/11/2022