



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

Date : 28/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.21010 of 2022

WEB COPY

Natheesh

... Petitioner/Accused No.3

Vs

The State Rep.by
The Inspector of Police,
Palanichettypatti,
Theni District.
Cr.No.155 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Jegadeesh Pandian M,
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.155 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 8(C),
29(1) and 20(b)(ii)(B) of NDPS Act, 1985, in Cr.No.155 of 2022,
seeks anticipatory bail.

2.The case of the prosecution is that on receiving secret
information, the respondent police conducted inspection and found
that the petitioner and other accused were found in possession of
2.500kgs of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this
is the petitioner's third anticipatory bail application and the
earlier applications were dismissed by this Court in Crl.O.P.(MD)
Nos.8717 and 19366 of 2022, dated 13.09.2022 and 02.11.2022. He
would further submit that based on the confession statement of the
co-accused, the petitioner has been arrayed as accused in this case
and the petitioner is innocent and he has not at all present in the
scene of occurrence. Hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor strongly opposed
the petition stating that the petitioner and other accused were



found in illegal possession of 2.500 kgs of Ganja and he is one similar previous case.

5. Considering the facts and circumstances of the case and also considering the fact that the quantity of Ganja involved in this case is 2.500 kgs, 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 Special District Sessions Court for 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 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 a.m. 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.

sd/-

28/11/2022

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/12/2022

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



1. The Special District Sessions Court
for NDPS Act Cases, Madurai.
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Inspector of Police,
Palanichettypatti, Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.21010 of 2022
Date :28/11/2022

RD/BUC/SAR-II (08/12/2022) 3P 5C