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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2022

PRESENT

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

CRL OP(MD). No.20473 of 2022

Kalimuthu @ Muthu

... Petitioner/Accused No.4

Vs

The State rep.by,
The Inspector of Police,
PEW-Thoothukudi, Thoothukudi District.
(Crime No.761/2022).

... Respondent/Complainant

For Petitioner : M/s.Harshitha.S,
Advocate.

For Respondent : Mr.E.Anthony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Cr No.761/2022 on the file of the respondent police.

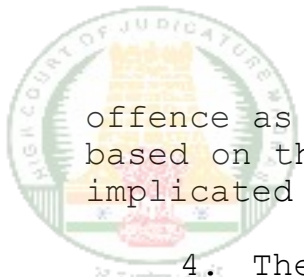
ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w. 20 (b)(ii)(B) of NPDS Act in Cr.No.761 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on receiving secret information, the respondent police conducted inspection on 21.10.2022 and at that time the petitioner and other accused have found in possession of 4 kgs ganja and Rs.55,000/- cash in their bike and the same was recovered. Hence, the compliant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any

<https://www.mhc.tn.gov.in/judis>



offence as alleged by the prosecution. He would further submit that based on the confession of co-accused only his name has been falsely implicated in this case and he seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that it is a second anticipatory bail petition and the contraband seized is 4 kgs of quantity and the petitioner is not having any previous cases. He would further submit that the investigation of the case is pending and hence, the custodial interrogation of the petitioner is necessary 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 contraband seized is in-between quantity and that the petitioner is not having any bad antecedents, 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 No.IV, Thoothukudi, 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 FIF registered under Section 229-A IPC.

sd/-
18/11/2022

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

TRP

TO

- 1.THE JUDICIAL MAGISTRATE NO.IV, THOOTHUKUDI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3.THE INSPECTOR OF POLICE,
PEW-THOOTHUKUDI, THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.VISHNU VARDHAN, Advocate (SR-13305[I] dated
18/11/2022)

ORDER
IN
CRL OP(MD) No.20473 of 2022
Date :18/11/2022

RK/VR/SAR-1 (29/11/2022) 3P/6C