



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.19714 of 2022

Dhilipkumar, ... Petitioner/Accused No.2
- Vs-

State Rep.by
The Inspector of Police,
Samayanallur Police Station,
Madurai District
(Crime No.180 of 2022).

... Respondent/Complainant

For Petitioner : Mr.A.Manoj Prabakar, 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.180 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 20(b) (ii)(B) r/w 8(c) of NDPS Act in Crime No.180 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were in illegal possession of 1.750 kgs 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. 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.



4.The learned Additional Public Prosecutor would submit at petitioner's name was found in the FIR. The quantity of Ganja involved in this case is 1.750 kgs and 13 previous cases are pending against the petitioner. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Taking note of the fact that the quantity of Ganja involved in this case is 1.750 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 Principal Special 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 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.

sd/-

08/11/2022

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



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.

TO

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

+1 CC to M/s.P.PRAVEEN KUMAR, Advocate (SR-12779[I] dated 10/11/2022

ORDER
IN
CRL OP(MD) No.19714 of 2022
Date :08/11/2022

PKP/SSS/SAR-1/18.11.2022/3P/5C