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

Date : 08/11/2022

PRESENT

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

CRL OP(MD) . No.19720 of 2022

Kubendran

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.266/2022)

... Respondent/Complainant

For Petitioner : M/s.Chandrabose M, Advocate.

For Respondent : Mr.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.266/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, 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 NDPS Act and 4(1)(a) of Tamil Nadu Prohibition Act in Crime No.266 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were in illegal possession of 1.250 kgs of Ganja and 18 liquor bottles contained 180 ml. 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 that petitioner's name was found in the FIR. The quantity of Ganja involved in this case is 1.250 kgs and 8 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 1.250 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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/11/2022

Sub-Assistant Registrar (C.S.I)
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,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.19720 of 2022
Date :08/11/2022

SP/SSS/SAR I/16/11/2022/3P/4C