



WEB COPY



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

Date : 10/11/2022

PRESENT

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

CRL OP(MD) . No.19879 of 2022

M.Manikandaravi

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
(Crime No.361 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Karthick R J,Advocate.

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

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

PRAYER :-

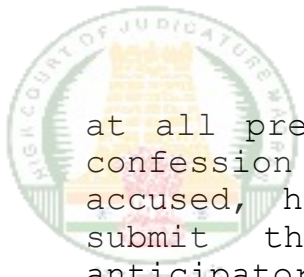
For Anticipatory Bail in Crime No.361 of 2022 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner, 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 Narcotic Drugs and Psychotropic Substance Act,
in Crime No.361 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along
with other accused were found in illegal possession of 2 kgs of
ganja. Hence, the complaint.

3. The learned counsel for the petitioner would submit that
there was no recovery from the petitioner and the petitioner was not



at all present in the occurrence place. Only on the basis of the confession statement alleged to have been taken from the first accused, he has been implicated in this case. He would further submit that the co-accused were already granted bail and anticipatory bail by this Court and the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the contraband was seized from the first accused and based on the confession statement of the co-accused, this petitioner has been implicated in this case. He would further submit that the co-accused were already granted bail and anticipatory bail and Petitioner is having one previous case of similar offence and the investigation in this case is not yet completed. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the facts that the quantity of ganja involved in this case is intermediate quantity and the co-accused were already granted bail and anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, 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 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 FIR can be registered under Section 229-A IPC.

Sd/-
10/11/2022

/ TRUE COPY /

/11/2022

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

CP

TO

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

ORDER
IN
CRL OP(MD) No.19879 of 2022
Date :10/11/2022

SP/VR/SAR III/22/11/2022/3P/5C