



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

Date : 15/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.20182 of 2022

Amosekhan @ Amosh

... Petitioner/Accused No.4

Vs

The State Rep. By,
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime No.396 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Anandha Rajagopal S,
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.396 of 2022 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 8(c)
r/w 20(b)(ii)(B) and 25 of Narcotic Drugs and Psychotropic
Substances Act, 1985 in Crime No.396 of 2022, seeks anticipatory
bail.

2.The case of the prosecution is that the petitioner and other
accused were found in possession of 7 kgs of Ganja illegally.
Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is an innocent person and he did not commit any offence
as alleged by the prosecution. He would further submit that based on
the confession statement of the first accused, the petitioner's name
has been implicated in this case. Except the confession, there is
no material available to implicate the petitioner in this case.
Further, the co-accused were already released on bail. Hence, he
may be granted anticipatory bail.



4.The learned Additional Public Prosecution appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the petitioner is having one previous case of similar in nature and the investigation is not yet completed. He would further submit that the co-accused were already released on bail.

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 released on bail, 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Eraniel, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders;

[c]the petitioner shall not tamper with the 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE,
ERANIEL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.20182 of 2022
Date :15/11/2022

cp
USK/SSS/SAR- /24.11.2022/3P/5C