



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2022

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PRESENT

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

CRL OP(MD). No.20335 of 2022

Karthi @ Karthik,

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Nib-Cid Police Station,
Theni, Theni District.
Cr.No.20/2022.

... Respondent/Complainant

For Petitioner : M/s.Balaji A, Advocate.

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

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

PRAYER :-

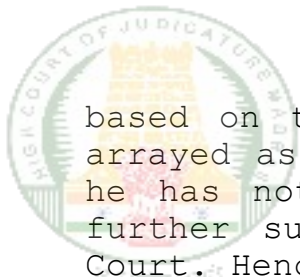
For Anticipatory Bail in Crime No.20/2022 on the file of the Respondent police.

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 8(c), 20(b)(II)(B) and 29(I) of NDPS Act in Crime No.20 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 26.05.2022, on receiving tip off, the respondent police enquired A1 on suspicion. On enquiry, it came to light, A1 had in possession of 12kgs of Ganja. Immediately, he was arrested and on his confession, the entire contraband was recovered from him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the petitioner's second anticipatory bail application and the earlier application was dismissed by this Court in CrI.O.P.(MD) No.18575 of 2022, dated 26.10.2022. He would further submit that



based on the confession statement of A1, the petitioner is an arrayed as accused in this case and the petitioner is innocent and he has not at all present in the scene of occurrence. He would further submit that A1 was already granted bail by the Sessions Court. Hence, he prays for anticipatory bail.

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4. The learned Additional Public Prosecutor strongly opposed this petition stating that the petitioner and other accused were found in illegal possession of 12 kgs of Ganja and he is having one similar previous case and the investigation has been completed and the charge sheet has already been filed before the learned Principal Special Judge for EC and NDPS Act Cases, Madurai.

5. Taking note of the fact that the quantity of Ganja involved in this case is 12kgs, which is in between quantity and also the fact that the charge sheet has already been filed, 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 Court 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 concerned Court on all hearing dates without fail;

(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;



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(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/11/2022

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/11/2022

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

TO

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

+1 CC to M/s.A.BALAJI, Advocate (SR-13242[I] dated 18/11/2022)

ORDER
IN
CRL OP(MD) No.20335 of 2022
Date :17/11/2022

sjj
PKP/BUC/SAR-2/25.11.2022/3P/5C