



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2022

PRESENT

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

CRL OP(MD). No.20282 of 2022

Selvam @ Seevalaperiyan

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
Crime No.245 of 2022

... Respondent/Complainant

For Petitioner : M/s.Selvakumar S,
Advocate.

For Respondent : M/S.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.245 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, 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, in Crime No.245 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on receiving secret information, the respondent police conducted vehicle checkup, at that time, the petitioner and other accused found in possession of 2.100 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, this petitioner's name has been included as accused. Except the confession, there is no material available to implicate the

<https://www.mhc.go.in/judis>



petitioner as accused in this case. He would further submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Further, the co-accused was released on bail. Hence, he may be granted anticipatory bail.

WEB COPY

4.The learned Additional Public Prosecution appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the petitioner and other accused were found in possession of 2.100 kgs of Ganja. The petitioner is not having any previous cases and co-accused was released on bail and investigation in this case is not yet completed.

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, the petitioner is not having any bad antecedents and the co-accused was released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.3,000/- (Rupees Three Thousand only) to the Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt before the learned Judge, Principal Special Court for EC & NDPS Act, Madurai.

7.On production of such receipt, 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 Judge, Principal Special Court for EC & NDPS Act, 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 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/-
22/11/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

TO

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

COPY TO

THE OFFICER IN CHARGE,
ROJAVANAM, HOME FOR AGED AND POOR,
MADURAI.

+1 CC to M/s.J.JEYA ARON RAJA, Advocate (SR-13481[I] dated
23/11/2022)

ORDER
IN
CRL OP(MD) No.20282 of 2022
Date :22/11/2022

RK/VR/SAR- 2 (01/12/2022) 3P/6C