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

Date : 21/11/2022

PRESENT

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

CRL OP (MD) . No.20554 of 2022

K.Bharathi

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Karimedu Police Station,
Madurai City.
(Crime No.441 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Alagesh Kumar.V, 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.441 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), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, in Crime No.441 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in possession of 1.200 kgs of Ganja illegally. Hence, the complaint.

3.The learned counsel for the petitioner would submit that no contraband was recovered from the petitioner. The petitioner is an



innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that co-accused were already released on bail and the petitioner shall abide any condition imposed by this Court. 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 and other accused were found in possession of 1.200 kgs of Ganja. The petitioner is having two previous cases and the investigation in this case is not yet completed. He would further submit that 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 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 shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) **to the credit of Madurai Bench High Court Advocates Association (MBHAA), High Court, Madurai (Account No.496038755, IFSC Code: IDIB000H040, Indian Bank, High Court Branch, Madurai)** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Principal Special Judge for Trial of Narcotic Drugs and Psychotropic Substances cases, Madurai.

7.On production of such receipt/acknowledgment, 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 Principal Special Judge for Trial of Narcotic Drugs and Psychotropic Substances 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 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/-
21/11/2022

/ TRUE COPY /

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

CP

TO

1. THE PRINCIPAL SPECIAL JUDGE
FOR TRIAL OF NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES CASES,
MADURAI.
2. THE INSPECTOR OF POLICE,
KARIMEDU POLICE STATION,
MADURAI CITY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE, ADVOCATES ASSOCIATION
(MBHAA), MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ALAGESH KUMAR V Advocate SR.No.13392

ORDER
IN
CRL OP(MD) No.20554 of 2022
Date :21/11/2022