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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.20646 of 2022

Vijayan

... Petitioner/Accused No.4

Vs

The State Rep. By,
The Inspector of Police,
Gudalur North Police Station,
Theni District.
Crime No.287 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Pitchai Muthu M,
Advocate
For Respondent : Mr.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.287 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 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.287 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in possession of 1.100 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 and there is no recovery from the petitioner. Hence, he may be granted anticipatory bail.



4.The learned Additional Public Prosecutor appearing before the respondent police opposed for grant of anticipatory bail to the petitioner stating that the petitioner and other accused were found in possession of 1.100 kgs of Ganja. The accused Nos.1 to 3 were arrested and they are still in judicial custody and the 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, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.1,000/- (Rupees One Thousand only) **to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judge, Principal Special Court for EC & NDPS Act 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 Judge, Principal Special Court for EC & 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 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 FIF registered under Section 229-A IPC.

sd/-
22/11/2022

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/12/2022

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

TO

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

COPY TO :
THE OFFICER-INCHARGE,
ADVOCATE CLERKS WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.20646 of 2022
Date :22/11/2022

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