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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2022

PRESENT

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

CRL OP(MD). No.20930 of 2022

1. Jeganathan,

2. Anbu @ Anbarasan, ... Petitioners/Accused Nos.3 & 4

Vs

The State Rep. by,
The Inspector of Police,
Cumbam North Police Station,
Theni District.
Cr.No.197/2022.

... Respondent/Complainant

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

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

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

PRAYER :-

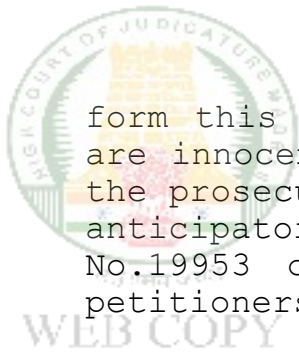
For Anticipatory Bail in Crime No.197/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 8(C) r/w 20(b)(ii)B and 29(1) of NDPS Act in Crime No.197 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused were found in illegal possession of 1.100 kg of Ganja. Hence, the complaint.

3.The learned counsel for the petitioners would submit that based on the confession statement of the co-accused, the petitioners have been disarrayed as accused in this case and no recovery was made



form this petitioner. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that A2 was already granted anticipatory bail by this Court, dated 11.11.2022 in Crl.O.P.(MD) No.19953 of 2022. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that totally 4 accused are involved in this case and the petitioners were arrayed as A3 and A4. The quantity of Ganja involved in this case is 1.100 kg. The first petitioner is having three previous cases, out of which, one case for similar offence and the second petitioner is having no previous case. The investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the quantity of Ganja involved in this case is 1.100 kg, which is in between quantity and the co-accused has already been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their 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 & NDPS Act Court, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Judge/concerned Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Special Judge/concerned Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Special Judge/concerned Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



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

sd/-
25/11/2022

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/12/2022

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

SJI

TO

1. The Principal Special Court for
EC & NDPS Act Court, Madurai.
2. The Inspector of Police,
Cumbam North Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.JEYA ARON RAJA, Advocate (SR-13843[I] dated
28/11/2022)

ORDER

IN

CRL OP(MD) No.20930 of 2022

Date : 25/11/2022

TR/VR/SAR-IV(07.12.2022) 3P 5C