



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.21151 of 2022

(*)Nelson Darwin

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
NIBCID,
Dindigul.
(Crime No. 13 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Mayilvahana Rajendran C,
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. 13 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, 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 Narcotic Drugs and Psychotropic Substances Act, in Crime No.13 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in possession of 2.500 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 co-accused, the petitioner is as been implicated in this case 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 2.500 kgs of Ganja. He would further submit that no previous case is pending against the petitioner and the investigation in this case is not yet completed. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

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 also the fact that no previous case is pending against the petitioner, 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the 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 FIR can be registered under Section 229-A IPC.

sd/-

30/11/2022

**(*) AMENDED AS PER ORDER OF THIS
COURT DATED 22.12.2022 IN CRL MP(MD)
NO.15981 OF 2022 IN CRL OP(MD)
NO.21151 OF 2022.**

/ TRUE COPY /

/01/2023

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

cp

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 30/11/2022 ALREADY DESPATCHED

1 THE PRINCIPAL SPECIAL JUDGE
FOR EC AND NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE,
NIBCID,
DINDIGUL.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MAYILVAHANA RAJENDRAN C Advocate SR.No.15350

ORDER

IN

CRL OP(MD) No.21151 of 2022

Date :30/11/2022

SA/VR/SAR.4/09.12.2022/3P/5C

RK/GB/SAR- (02.01.2023) 3P/5C