



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21612 of 2022

Pratheep Raja

... Petitioner/Accused No.7

Vs

The State Rep.by
The Inspector of Police,
Kottar Police Station,
Kanniyakumari District
(Crime No.207 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Selvam J,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No.207 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

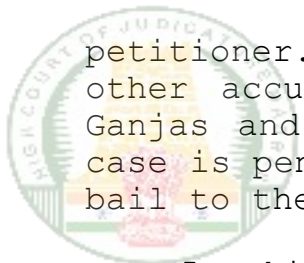
The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(B) and 29(1), 22(b) of NDPS Act in Crime No.207 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were illegally found in possession of 1.100 Kg of Ganjas and 75 Nitrazepam IP Nitravet Tablets weighed to be 0.145 grams and hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that based on the confession of co-accused the petitioner herein is arrayed as accused and the petitioner is only 23 years old and thereby, seeks anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the petitioner that there is no previous case against the

<https://www.mhc.tn.gov.in/judis>



petitioner. He would further submit that the petitioner along with other accused have illegally found in possession of 1.10 kg of Ganjas and 75 Nitrazepam IP Nitravet and the investigation of the case is pending and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and that the petitioner is only 23 years old, 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 on which the order copy made ready, before the learned Principal Special Court for EC and NDPS Act cases, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (one should be either the father or mother of the petitioner) each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

[c] the petitioner shall not tamper with 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 229A IPC.

sd/-
14/12/2022

/ TRUE COPY /

/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 AND NDPS ACT CASES,
MADURAI.

2 THE INSPECTOR OF POLICE
KOTTAR POLICE STATION, KANNIYAKUMARI DISTRICT

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

ORDER

IN

CRL OP(MD) No.21612 of 2022

Date :14/12/2022

trp

MK/VR/SAR 4/22.12.2022/3P/4C