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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/12/2022

PRESENT

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

CRL OP(MD). No.21608 of 2022

Maheshkumar

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.489 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Vaigunth A S, Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

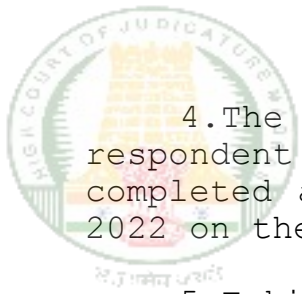
For Anticipatory Bail in Crime No.489 of 2022 on the file of the Respondent Police.

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. 20b(2)(b) of NDPS Act in Crime No.489 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information, the respondent police conducted the check up backside of the Municipal School at Bharathi Nagar on 22.08.2022 and at that time the petitioner along with other accused were illegally found in possession of 1.100 kgs of Ganja. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit based on the confession of co-accused only the petitioner herein is arrayed as accused and he is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that petitioner is not having any previous case and he is only aged about 20 years and seeks anticipatory bail.



4.The learned Additional Public Prosecutor appearing as respondent would submit that investigation of the case has been completed and the charge sheet was taken on file as C.C.No.1109 of 2022 on the file of the Special Court for NDPS Act Cases, Madurai.

5.Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner is only aged about 20 years and that the charge sheet has been filed, 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 Judge, EC and NDPS Court, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 appear before the court concerned on all working days at 10.30 am for a period of two weeks and thereafter, the date on which fixed by the trial Judge without fail;

[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/-

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/12/2022

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



TO

1 THE PRINCIPAL SPECIAL JUDGE, EC AND NDPS COURT, MADURAI.

2 THE INSPECTOR OF POLICE, KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.A.S.VAIGUNTH, Advocate (SR-14558[I] dated 08/12/2022)

ORDER

IN

CRL OP(MD) No.21608 of 2022

Date :07/12/2022

TRP

RS/VR/SAR.4(15.12.2022) 3P-5C