



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/12/2022

PRESENT

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

CRL OP(MD). No.22518 of 2022

Karthik

... Petitioner/Accused
Rank Not.5

Vs

The State rep.by
The Inspector of Police,
Palani Town Police Station,
Dindigul District.
Crime No.848 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Vishnu 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.848 of 2021 on the file of the Respondent Police.

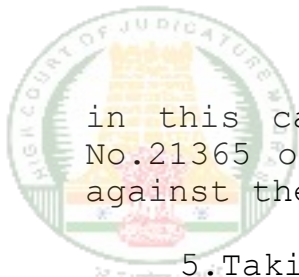
ORDER : The Court made the following order :-

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) of NDPS Act, 25(1) of Arms Act in Crime No.848 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 28.08.2021 when the respondent police were on usual rounds they found the accused in possession of 1.100kgs of ganja and a knife and sickle. On seeing the police he escaped from the scene of occurrence. Hence the case came to be registered.

3. The learned counsel appearing for the petitioner would submit the petitioner is innocent and a false case has been foisted against him. He would further submit that based on the confession given by the co-accused the petitioner herein is arrayed as accused. He would further submit that no previous case is pending against the petitioner, hence he seeks anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that possession of 1.100kgs of ganja and a knife and sickle. He would further submit that the arrested accused



in this case were released on bail by this Court in Cr. No.21365 of 20222 dated 07.12.2022 and no previous case is pending against the petitioner.

5.Taking into consideration the facts and circumstances of the case and also considering the fact that contraband involved in this case is small quantity and also the fact that no previous case is pending against the petitioner and the fact that co-accused were released on bail, 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 Judicial Magistrate, Palani, 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 respondent police daily at 10.30 a.m., 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/-

20/12/2022

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/12/2022

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



AAV
TO

1 THE JUDICIAL MAGISTRATE,
PALANI, DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION,
DINDIGUL DISTRICT.

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

ORDER

IN

CRL OP(MD) No.22518 of 2022

Date :20/12/2022

SA/VR/SAR.3/28.12.2022/3P/5C