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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/12/2022
PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23307 of 2022

Venkatesh Babu

... Petitioner/Accused Rank No.6

Vs

The State rep.by
The Inspector of Police,
Dhanushkodi Police Station,
Ramanathapuram District.
In Crime No.103 of 2022.

... Respondent/Complainant

For Petitioner : Mr. Arun.B,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.103 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A6, apprehends arrest at the hands of the respondent police for the offence punishable under Section 8(c) and 20(b)(ii)(B) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.103 of 2022 on the file of the respondent police, and seeks anticipatory bail.

2.The case of the prosecution is that on 24.08.2022, on receiving a secret information, the respondent police conducted vehicle checkup and found that the first accused was in possession of 1 kg 500 gm ganja. Based on the confession of the first accused, the petitioner was added as accused. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has been arrayed as A6. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case and hence, he seeks anticipatory bail.



4.The learned Government Advocate (Crl.side) submitted that ganja was seized. He further submitted that there is no previous case pending against the petitioner.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking note of the facts and circumstances of the case and the quantity involved in this case is 1 kg 500 gram ganja and the fact that ganja has already been seized, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional District and Sessions Judge / Presiding Officer Special Court for E.C and NDPS Act Cases, Pudukkottai 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 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 learned 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 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 petitioners in accordance with law, as if the conditions have been imposed and the petitioners 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]; and;



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

sd/-
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29/12/2022

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

RMI

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE / PRESIDING OFFICER,
SPECIAL COURT FOR E.C AND NDPS ACT CASES,
PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE,
DHANUSHKODI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. ARUN.B Advocate SR.No.15625

ORDER

IN

CRL OP(MD) No.23307 of 2022
Date :28/12/2022

SA/BUC/SAR.3/29.12.2022/3P/5C