



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.232 of 2023

1. Maheshkumar

2. Ramakrishnan

3. Ranjithkumar ... Petitioners/Accused No.4 to 6

Vs

The State rep.by,
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District
(Crime No.691 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Prabu M,

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

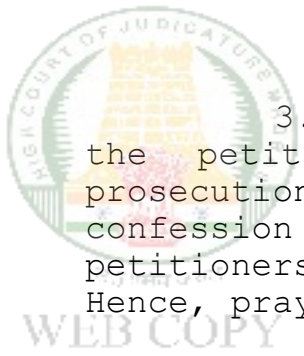
PRAYER :-

For Anticipatory Bail in Crime No.691 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B), 25, 29(1) of NDPS Act, 1985, in Crime No.691 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons had found in illegal possession of 1.200grams of ganja. Hence, the complaint.



3.The learned counsel for the petitioners submit at the petitioners have not committed any offence, as alleged by the prosecution and they were implicated in this case, based on the confession of co-accused. He would further submit that the petitioners are not having any previous case to their credit. Hence, prays to release them on anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the accused persons were found in illegal possession of ganja. In this case, investigation is still pending and hence, prays to dismiss the petition.

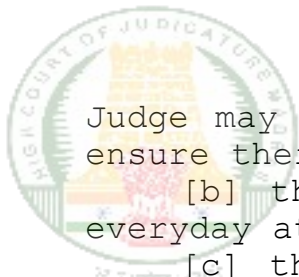
5.At this juncture, the learned counsel for the petitioners submitted that the petitioners are innocent and to show their *bona fide*, they are ready to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each in any Welfare Scheme running at Madurai Bench of Madras High Court. Hence, prays to release them on anticipatory bail.

6.Heard both sides. Taking into consideration the facts and circumstances of the case and considering the readiness of the petitioners to deposit amount in any Welfare Scheme, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7.Accordingly, the petitioners shall pay a sum of ***Rs.5,000/- (Rupees Five Thousand only) each*** to the credit of the ***Madurai Bench High Court Advocates Association (MBHAA), A/c No.496038755, IFSC Code - IDB000H040, Indian Bank, Madurai Bench of Madras High Court, Madurai,*** (for purchase of e-journals) without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judge concerned. However, it is made clear that in view of the deposit being made by the petitioners, would not amount of admission of guilt by them.

8.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned ***Special Judge, Special Court for NDPS Act Cases, Madurai,*** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 Judge concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



Judge may obtain a copy of their Aadhar card or Bank pass to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Judge/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 Judge/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/-

05/01/2023

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/01/2023

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

pnm

TO

1.THE SPECIAL JUDGE, SPECIAL COURT FOR NDPS ACT CASES, MADURAI.

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

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

COPY TO

THE OFFICER IN CHARGE,
MADURAI BENCH HIGH COURT ADVOCATES ASSOCIATION (MBHAA),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.PRABU M, Advocate (SR-414[I] dated 09/01/2023)

ORDER

IN

CRL OP(MD) No.232 of 2023

Date :05/01/2023

RK/BUC/SAR-1 (19/01/2023) 3P/6C

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