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CRL OP(MD)



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

Date : 20/01/2023

PRESENT

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

CRL OP(MD) . No.383 of 2023

Sujin,

... Petitioner/Accused

Vs

The State rep.by,  
The Inspector of Police,  
Vadaseri Police Station,  
Kanyakumari District.  
(Crime No.292/2022).

... Respondent/Complainant

For Petitioner : M/s.Micheal Sebastin.B,  
Advocate.

For Respondent : Mr.P.Kottaichamy,  
Government Advocate (Crl.Side)

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

PRAYER :-

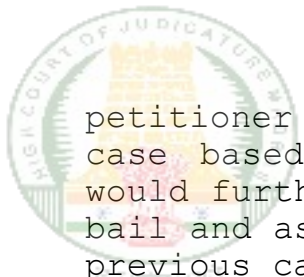
For Anticipatory Bail in Cr No.292/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B), 25 and 29(1) of NDPS Act in Crime No.292 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other three accused were found in illegal possession of 1.150kgs of Ganja. Hence, the case.

<https://www.mhc.tn.gov.in/> The learned counsel for the petitioner would submit that the



petitioner is an innocent and he has been falsely implicated in this case based on the confession statement of the other accused. He would further submit that the arrested accused have been released on bail and as far as the petitioner is concerned, he does not have any previous case under the NDPS Act.

4. The learned Government Advocate (Crl. side) would submit that the petitioner has got one previous case registered against him under the POCSO Act and he would object for grant of anticipatory bail.

5. In reply, the learned counsel for the petitioner would submit that the said POCSO case has been quashed by this Court in Crl.O.P. (MD) No.1267 of 2022, dated 28.01.2022 and he would seek for anticipatory bail.

6. Heard. Perused the materials available on record including the First Information Report.

7. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

8. 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 Special Court for EC and NDPS Act, Madurai, 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 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 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



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Magistrate/Trial Court himself as laid down by the Hon'ble 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.

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/01/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI

TO

1 THE SPECIAL COURT FOR THE EC AND NDPS ACT,  
MADURAI.

2 THE INSPECTOR OF POLICE  
VADASERI POLICE STATION,  
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.MICHEAL SEBASTIN.B Advocate SR.No.967(I)

ORDER  
IN  
CRL OP(MD) No.383 of 2023  
Date :20/01/2023

VA/MMS/SAR-2/27.01.2023/3P/5C