



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

Thursday, the Ninth day of February Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD) . No.2628 of 2023

WEB COPY

Pradeep

... Petitioner/Accused-2

Vs

State rep. by,
The Sub Inspector of Police,
Central Police Station,
Thoothukudi District.
Crime No.326 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Mohamed Arif A,

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.326 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(C) r/w 20(b)(ii)(B) and 25 of Narcotic Drugs and Psychotropic Substance Act, 1985 in Crime No.326 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 accused were found in illegal possession of 1.150 kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given against him. He would further submit that the petitioner has no previous case against him under the NDPS Act and thereby, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that the petitioner along with the other accused were found in illegal possession of 1.150 kgs of Ganja.



Hence, he opposed to grant anticipatory bail to the petitioner. However, he fairly concedes that no previous case pending as against the petitioner.

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

6. 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:

7. 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 Additional District and Sessions Judge/Presiding Officer, Special Court for E.C. 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 concerned Court, 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 concerned Trial Judge 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 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 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/-

09/02/2023

/ TRUE COPY /

/02/2023

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



TO

1. THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE/PRESIDING OFFICER,
SPECIAL COURT FOR E.C. AND NDPS ACT,
MADURAI.
2. THE SUB INSPECTOR OF POLICE,
CENTRAL POLICE STATION,
THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2628 of 2023

Date :09/02/2023

NA/BUC/SAR-3/16.02.2023/3P/4C