



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4603 of 2023

Antony @ Anthony

... Petitioner/Accused-rank not known

Vs

State Rep.by

The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
(Crime No.224 of 2018)

... Respondent/Complainant

For Petitioner : M/s.K.Sivatharshana, Advocate
For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.224 of 2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/rank not known, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 20(b)(ii)(B), 25, 8(C) of NDPS Act in Crime No.224 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent police conducted an inspection based upon the secret information, A1 and A2 were found in possession of 1,100kgs of Ganja packet. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated based on the confession given by the co-accused persons. On the confession given by the co-accused, the petitioner has been implicated as accused. In this case, final report has also been laid and the petitioner was shown as absconding accused and for the past 5 years it is pending without securing the petitioner.



4. Heard the learned Additional Public Prosecutor appear for the respondent.

5. Taking into consideration of the facts and circumstances of the case, the custodial interrogation of the petitioner is not required. Accordingly, 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 No.III, Nagercoil, 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 and 05.30 p.m., for a period of four weeks and thereafter, as and when required for interrogation.

[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 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

13/03/2023

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/03/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE, SUCHINDRAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.SIVATHARSHANA K, Advocate (SR-4167[I] dated 14/03/2023)

ORDER

IN

CRL OP(MD) No.4603 of 2023

Date :13/03/2023

RS/BUC/SAR-1(17.03.2023) 3P 6C