



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

Date : 28/03/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.5724 of 2023

P.Muthukrishnan

... Petitioner/Accused No.2

Vs

The State represented by
Inspector of Police,
Krishnankovil Police Station
Virudhunagar District.
(Crime No.41/2023).

... Respondent/Complainant

For Petitioner : M/s.C.Jeya Prakash,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.41/2023 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) and 20(b)(ii)(A) of NDPS Act, 1985 and Section 77 of Juvenile Justice Act, 2015 of I.P.C., in Crime No.41 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 140grams of Ganja. Hence, the case.

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

4.There are two accused involved in this case. The petitioner is arrayed as A2. Even according to the case of the prosecution, the petitioner has been implicated as an accused based on the confession statement of the first accused. The first accused was found in possession of 140 grams of Ganja along with Rs.500/- cash and the



petitioner has not committed any offence as alleged by the prosecution and he is having no previous case. Therefore, the custodial interrogation of the petitioner is not necessary in this case.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioner is having any bad antecedents, 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.II, Srivilliputhur, 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., 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

28/03/2023

/ TRUE COPY /

/04/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.II
SRIVILLIPUTHUR.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 INSPECTOR OF POLICE
KRISHNANKOVIL POLICE STATION VIRUDHUNAGAR DISTRICT.

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

+1. CC to C.JEYA PRAKASH Advocate SR.No.5047

ORDER
IN
CRL OP(MD) No.5724 of 2023
Date :28/03/2023

SS/CG/SAR IV/10/04/2023/3P/6C