



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/04/2023
PRESENT

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

CRL OP(MD) . No.6218 of 2023

Surendran @ Sureshkumar

... Petitioner/Accused 3

Vs

The State rep.by
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
Crime No.469/2017.

... Respondent/Complainant

For Petitioner : R.TAMIL AMUTHAN,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.469 of 2017 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who is facing trial for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of NDPS Act, 1985, in C.C.No.242 of 2020 on the file of the learned Principal EC and NDPS Court, Madurai in Crime No.469 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on receiving secret information, on 18.09.2017 at about 10.45 p.m., the de-facto complainant along with police party surrounded A1 and recovered 1.100kgs of Ganja from him. Further, A1 confessed that the petitioner and other accused helped him to sell ganja. Hence, the case.

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



4. There are three accused involved in this case. The petitioner is arrayed as A3. The crime is of the year 2017. A1 and A2 were in possession of contraband weighing 1.100kgs of Ganja and they were already arrested and remanded to judicial custody. Based on their confession, the petitioner has been implicated as an accused in this case. Now the petitioner is yet to be secured. The respondent police has completed the investigation and filed a final report and the same has been taken cognizance in C.C.No.242 of 2020 on the file of the learned Principal EC and NDPS Court, Madurai. Therefore, the custodial interrogation of the petitioner do not require in this case.

5. 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:

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 Principal EC and NDPS Court, 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 trial Court 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].



CRL OP(MD).



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[f] If the accused thereafter absconds, a fresh FI registered under Section 229A IPC.

sd/-

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

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TO

- 1 THE PRINCIPAL EC AND NDPS JUDGE,
MADURAI.
- 2 THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to R.TAMIL AMUTHAN Advocate SR.No.5406

ORDER

IN

CRL OP(MD) No.6218 of 2023

Date :03/04/2023

SA/MMS/SAR.2/18.04.2023/3P/5C