



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/03/2023

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PRESENT

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

CRL OP(MD) . 5940 of 2023

Kottapuli @ Rajendran

... Petitioner/Accused No.2

Vs

State rep., by
The Inspector of Police,
Uthappanaickanoor Police Station,
Madurai District.
(Crime No.45 of 2010).

... Respondent/Complainant

For Petitioner : Mr.K.Prabakaran, Advocate
For Respondent : Mr.T.Senthil Kumar,
Additional Public PROsecutor

PETITION FOR Anticipatory Bail Under Sec.438 of Cr.P.C.

PRAYER :-

To enlarge the petitioner on bail in the event of his arrest or surrender before the concerned Hon'ble 1st Additional Special Court for NDPS Act Cases, Madurai in CC.No.80 of 2023.

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)(C) and Section 25 of NDPS Act in CC.No.80 of 2023 on the file of the I Additional Special Court for NDPS Act Cases, Madurai, in Crime No.45 of 2010 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 illegal possession of kanja. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.



4.The learned Additional Public Prosecutor appearing re respondent submitted that investigation in Crime No.45 of 2010 has been completed and final report has also been filed in CC.NO.235 of 2010 before the I Additional Special Court for NDPS Act Cases, Madurai and all the accused were granted bail by the trial Court. Because of non-appearance of petitioner, the case has been split up. Therefore, the petitioner apprehends arrest at the hands of the respondent.

5.The learned counsel for the petitioner undertakes that the petitioner will appear before the trial Court till the completion of trial.

6.Taking into consideration of the facts and circumstances of the case and undertaking given by the petitioner to appear before the trial Court daily till the completion of trial, the custodial interrogation of the petitioner is not required. Accordingly, 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 I Additional Special Court for NDPS Act Cases, 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 appear before the trial Court in CC.NO.80 of 2023 on the file of the I Additional Special Court for NDPS Act Cases, Madurai, daily morning at 10.30 am., till the completion of trial. The trial Court is also directed to complete the trial within a period of three months.

[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 abscond, a fresh FIF be registered under Section 229A IPC.

sd/-
30/03/2023

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/04/2023

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

Rmk

To

1 THE I ADDITIONAL SPECIAL COURT FOR NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE, UTHAPPANAICKANOOR POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.PRABAKARAN K, Advocate (SR-5230[I] dated 30/03/2023)

ORDER
IN
CRL OP(MD) No.5940 of 2023
Date :30/03/2023

RS/SSS/SAR-3(10.04.2023) 3P 5C