



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.6260 of 2023

Manikandan

... Petitioner/Accused 11

Vs

The State rep.by
The Inspector of Police,
NIBCID Ramanathapuram Police Station,
Ramanathapuram.
(Crime No.58/2019).

... Respondent/Complainant

For Petitioner : M/s.RAMESHKUMAR D,
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.58/2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25, 27A and 29(i) of NDPS Act, in Crime No.58 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 to A6 had entered into a conspiracy to transport 70kgs of Ganja from Tamil Nadu to Srilanka to the present petitioner and they purchased the same from the ninth accused at Thanjavur and further, with the help of A6, they planned to transport the same through his boat. On 25.12.2019, while A1 to A6 was transporting 50kgs of Ganja in a boat bearing No.IND TN 10 MO 2389 near Dhanuskodi Road at Ramanathapuram District, they were caught red handed. On their confession, 20kgs of Ganja were recovered from the seventh accused and 10kgs of Ganja were recovered from the eighth accused. According to the prosecution, the petitioner is at Srilanka in order to receive the said contraband.



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

4. According to the case of the prosecution, the petitioner along with other accused were found in possession of 70kgs of Ganja. Based on the confession statement of the co-accused, the petitioner has been implicated as an accused in this case. After completion of investigation, the respondent police has filed a final report before the Additional District and Sessions Judge, Special Court for EC and NDPS Cases, Pudukkottai and the same has been taken cognizance in C.C.No.38 of 2020. However, the petitioner and other two accused persons were absent and hence, the case was split up as against the petitioner and two others in C.C.No.46 of 2021 and after full-fledged trial, the main case in C.C.No.38 of 2020 as against A1 to A8 were ended in acquittal vide judgment dated 24.02.2022. The petitioner is arrayed as A11 and as such, the custodial interrogation of the petitioner is not required 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 Additional District and Sessions Judge, Special Court for EC and NDPS Cases, Pudukkottai, 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 in C.C.No.46 of 2021 on all working days 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 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/-

03/04/2023

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

SJI

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SPECIAL COURT FOR EC AND NDPS CASES, PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE,
NIBCID RAMANATHAPURAM POLICE STATION,
RAMANATHAPURAM.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.6260 of 2023

Date :03/04/2023

SA/BUC/SAR.2/18.04.2023/3P/4C