



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/04/2023
PRESENT

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

CRL OP(MD) . No.6562 of 2023

Mohamed Masthan ... Petitioner / Accused Rank not known

Vs

The State rep., by
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.53 of 2023) ... Respondent / Complainant

For Petitioner : Mr.Dhana Law Associates

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.53 of 2023 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 8(c) and 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, 12(1)(c) of Passport Act, 1967, 14 of Foreigners Act, 1946 and 489C of IPC, in Crime No.53 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 20.03.2023, when the respondent police was on patrol duty, at that time, the petitioner along with other accused were found in illegal possession of fake currency notes and 41 grams of heroin. Hence the case.

3.Heard both sides and perused the materials available in the record.

4.According to the case of the prosecution, A1 to A4 were in illegal possession of 41 grams of heroin. According to the petitioner, he has no way committed any offence. Considering the



facts and circumstances of the case and also the fact the petitioner has no previous case and no bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner.

5. 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 District and Sessions Judge, Special Court for EC and NDPS Act 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431, and shall produce the receipt before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily at 10.30 A.M. and 5.30 P.M., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

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

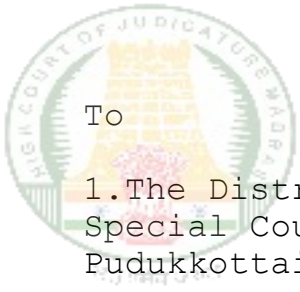
sd/-

11/04/2023

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



To

1.The District and Sessions Judge,
Special Court for EC and NDPS Act Cases,
Pudukkottai.

2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Officer Incharge,
Ray of Light Foundation,
No.10, Nageswara Road,
Nungambakkam,
Chennai, Tamil Nadu - 600034.

+1 CC to M/s.DHANA LAW ASSOCIATES, Advocate (SR-5665[I] dated
11/04/2023)

ORDER

IN

CRL OP(MD) No.6562 of 2023

Date :11/04/2023

ED/MMS/SAR-1 (19/04/2023) 3P 6C