



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.6634 of 2023

Manikandan

... Petitioner/Accused No.5

Vs

The State rep., by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.37 of 2023)

... Respondent/Complainant

For Petitioner : Mr.B.Azhagesh
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.37 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 8(c), 20(b)(ii)(A), 29(1) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.37 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 04.02.2023, when the respondent police was on regular inspection, raided the surroundings in and around Royal Garden in Vattavilai, based on secret information and found the accused persons one Nawas, Mohamed Tharik, Surya, Albin along few other persons, tried to flew away in their two wheeler vehicles on noticing the respondent police, who were eventually caught and 100 grams of Ganja was recovered from them. Further, on investigation, the said persons stated that



they tried to illegally sell Ganja in and around colleges and schools, further, informed that they had bought the same from one Manikandan, the petitioner/A5 herein. Hence, the case.

3. Heard both sides. Perused the materials available on record and also including the First Information Report.

4. It is seen that there are totally 5 accused, in which, the petitioner is arrayed as A5. A1 to A4 were found in possession of 100grams of Ganja. However, based on their confession, the petitioner has been implicated as an accused. As per their confession, they purchased the contraband from the petitioner herein. Except this confession, no other material has been produced in order to add the petitioner as an accused. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

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 Judicial Magistrate NO.II, Nagercoil, 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 morning at 10.30 am., and evening 05.30 pm., 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].



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[f] 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.

rmk

To

1. The Judicial Magistrate No.II, Nagercoil.
2. Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
3. The Inspector of Police,
Kottar Police Station, Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.6634 of 2023

Date : 11/04/2023

NA/VR/SAR-I/21.04.2023/3P/5C