



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/04/2023
PRESENT

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

CRL OP(MD) . No.6678 of 2023

Anbalagan ... Petitioner / Accused No.3

Vs

State rep by
The Inspector of Police,
Uthappnaickanur Police Station,
Madurai District.
(Crime No.59/2023). ... Respondent / Complainant

For Petitioner : M/s.Mahendrapathy.S, 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.59/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 25 of NDPS Act, 1985 in Crime No.59 of 2023 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 in illegal possession of 2kgs of 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, in which, the petitioner is arrayed as A3. He has been implicated as an accused on the confession statement of A1 and A2. A1 and A2 were found in illegal possession of 2kgs of Ganja. A1 and A2 confessed that they purchased the said contraband from the petitioner herein. In order to corroborate the petitioner, there is no other documents produced by



the prosecution. That apart, he had no previous case.

5. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

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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 Judicial Magistrate No.II, Usilampatti, 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 at 10.30 a.m. and 05.30 p.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].

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

sd/-
12/04/2023

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/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



To

1.The Judicial Magistrate No.II,
Usilampatti.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Uthappanaickanur Police Station,
Madurai District.

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

+1 CC to M/s.MAHENDRAPATHY.S, Advocate (SR-5765[I] dated 12/04/2023)

ORDER

IN

CRL OP(MD) No.6678 of 2023

Date :12/04/2023

ED/BUC/SAR-3 (24/04/2023) 3P 6C