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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.9791 of 2022

Sidharath @ Siddharthan ... Petitioners/Accused No.4

Vs.

State rep.by
The Inspector of Police,
Alanganallur Police Station,
Madurai District
(Crime No.143 of 2022)

... Respondent/Complainant

For Petitioners : Mr.Ayyanar Prem Kumar, Advocate

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

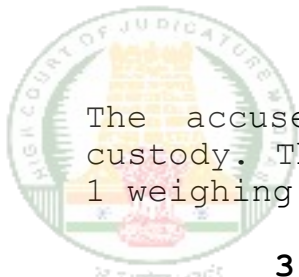
For Anticipatory Bail in Crime No. 143 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 8(c), 20(b)(ii)(B), 25 of Narcotic Drugs and Psychotropic Substances Act, in Crime No.143 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 24.05.2022, the respondent authorities based on the secret information and suspicion of contraband of narcotic substance went to Sikkanthar Savadi Sai Baba Temple at 8 p.m and on that occasion, the accused 1 to 3 came in the Hero Splendor Bike (TN 59 CW 4390) and tried to flee from the vehicle check up, further they nabbed the accused persons and enquired them, during such search, the authorities found a bag containing 1 ½ kg ganja, which is the narcotic substance under the NDPS Act and the same is reported for selling with the help of the present petitioner/A4.

<https://www.mhponline.in/tu/di>



The accused 1,2 and 3 were arrested and remanded to custody. The respondent seized a bike, Rs.8000/-, 3 cell phones and 1 weighing machine. 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 based on the confession statement given by other arrested accused. He would submit that the petitioner is a College student aged 21 years and the petitioner has nothing to do with the alleged offence and the parents of the petitioner are ready to stand as sureties to the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner is arrayed as the fourth accused in this case and at the time of search, a bag containing 1 ½ ganja was found and the accused 1 to 3 were arrested. Hence, he prays to dismiss this application. However, he would concede that there is no bad antecedent against the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and considering the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Principal Special District and Sessions Court for EC Act and NDPS Act Cases, Madurai**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, out of which one surety shall be either the father or the mother of the petitioner, 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 Judge 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 Station everyday at 05.30 p.m., until further orders;

[c] the petitioner shall not tamper with the 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]**; and;

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

sd/-

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

CM

TO

1.THE PRINCIPAL SPECIAL DISTRICT AND SESSIONS JUDGE
FOR EC ACT AND NDPS ACT CASES,
MADURAI.

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

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

+1 CC to M/s.AYYANAR PREM KUMAR. S, Advocate (SR-339[I] dated
06/01/2023)

ORDER

IN

CRL OP(MD) No.9791 of 2022

Date :06/01/2023

RK/BUC/SAR-2 (24/01/2023) 4P/5C