



CRL OP(MD). No.8986 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.8986 of 2023

Dhamar

... Petitioner/ Accused No.3

Vs

The State represented by
The Inspector of Police,
Uthappnaickanur Police Station,
Madurai District.
Crime No.94 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Selvam J,
Advocate.

For Respondent : Mr.R.Meenakshmi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.94 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(C) read with 20(b)(ii)(B) of NDPS



CRL OP(MD). No.8986 of 2023

Act, in Crime No.94 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was arrayed as A-3 and the accused persons were found a in possession of 4Kg of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is a habitual offender.

5.Considering the facts and circumstances of the case and also considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Government Leprosy Rehabilitation Home, Paratur, Chengalpet, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned (*)Principal District and Sessions Court for EC and NDPS Act Cases, Madurai.

7.On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the



CRL OP(MD). No.8986 of 2023

WEB COPY

date of receipt of a copy of this order, before the learned (*)Principal District and Sessions Court for EC and NDPS Act Cases, Madurai 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 learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one month and thereafter, as and when required for interrogation.

(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;



CRL OP(MD). No.8986 of 2023

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

sd/-
18/05/2023

(*)Amended as per order of this Hon'ble Court in
CRL MP(MD).14649/2023 in CRL OP(MD).
8986/2023 dated 17/10/2023

/ TRUE COPY /

/10/2023

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

ksa
TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
31.05.2023

- 1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, NAGERCOIL.
- 2 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE
FOR EC AND NDPS ACT CASES, MADURAI
- 3 THE INSPECTOR OF POLICE
UTHAPPNAICKANUR POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Copy to:
THE OFFICER INCHARGE,
GOVERNMENT LEPROSY REHABILITATION HOME,
PARANUR, CHENGALPET.



WEB COPY



CRL OP(MD). No.8986 of 2023

ORDER

IN

CRL OP(MD) No.8986 of 2023

Date :18/05/2023

SS/CG/SAR /23/05/2023/3P/6C

RS/VRS/SAR-(19.10.2023) 5P 6C

Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023