



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/06/2023

PRESENT

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

CRL OP(MD) . No.9829 of 2023

Naveen @ Naveen Kumar

... Petitioner / Accused No.2

Vs

The State rep by
The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
(Crime No.122 of 2023)

... Respondent / Complainant

For Petitioner : M/s.Dhilipan Pandian.R.L., 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.122 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 25 of NDPS Act, 1985 in Crime No.122 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information, the respondent police conducted raid along with his police party on 24.03.2023 from Kavandampatti burial ground and the accused persons were sitting bike bearing Reg.No.TN-58-BM-2177 Hero Passion bike in suspicious manner and when the respondent police enquired and searched, the accused persons are carrying a bag containing 1.200kgs of ganja. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.



4. It is seen that there are three accused involved in this case, in which, the petitioner is arrayed as A2. Even according to the case of the prosecution, A1 was found in possession of contraband 1.200kgs of Ganja. Only on his confession, the petitioner has been implicated as an accused. Though this Court dismissed the earlier application for anticipatory bail on the ground that the petitioner under conscious and constructive possession of contraband, the prosecution has failed to produce any evidence to show that the petitioner was also under conscious and constructive possession of the contraband along with A1. That apart, the petitioner so far not involved in any previous case including the NDPS Act case.

5. Taking into consideration of the facts and circumstances, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

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 Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai District, 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., 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/-
07/06/2023

WEB COPY

/ TRUE COPY /

/06/2023

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

SJI

To

1.The Judge,
Principal Special Court for Trial of Narcotic Drugs and
Psychotropic Substances Act Cases,
Madurai District.

2.The Inspectir of Police,
Usilampatti Town Police Station,
Madurai District.

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

ORDER
IN
CRL OP(MD) No.9829 of 2023
Date :07/06/2023

ED/VR/SAR- (13/06/2023) 3P 4C