



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.9286 of 2023

WEB COPY

Sudalaimuthu

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
(Crime No. 94 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Suyambulinga Bharathi.K,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

To enlarge the petitioner on bail in C.C.No.58 of 2023 on the file of the Principal Special Court For Trail of Narcotic Drugs and Psychotropic Substances Act 1985 Act Cases, Madurai, in connection with Crime No.94 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who is facing a case for the offence under Sections 8(C) R/W 20(B)(II)(b), 25 Of Narcotic Drugs and Psychothropic Substances Act, 1985, in C.C.No.58 of 2023 on the file of the Principal Special Court For Trail of Narcotic Drugs and Psychotropic Substances Act 1985 Act Cases, Madurai, in crime No.94 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 1.5 kg of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) would submit that final report was filed before the Principal Special Court For Trail of Narcotic Drugs and Psychotropic Substances Act 1985 Act Cases, Madurai and the same was taken on cognizance in C.C.No.58 of 2023.

5.Considering the fact that the case was taken on file as
<https://www.crl.no.gov.in> of 2023 before the Principal Special Court For Trail of



Narcotic Drugs and Psychotropic Substances Act 1985 Act Cases, Madurai, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal Special Court For Trial of Narcotic Drugs and Psychotropic Substances Act 1985 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) **ii) the petitioner shall report before the concerned Court on all hearing dates without fail and to co-operate for the trial proceedings;**

(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/-

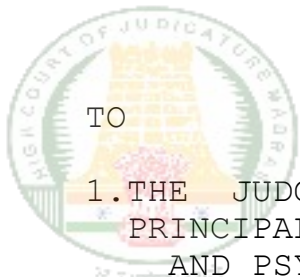
18/05/2023

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

dss



TO

1. THE JUDGE,
PRINCIPAL SPECIAL COURT FOR TRAIL OF NARCOTIC DRUGS
AND PSYCHOTROPIC SUBSTANCES ACT 1985 ACT CASES,
MADURAI.

WEB COPY

2. THE INSPECTOR OF POLICE,
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.9286 of 2023

Date :18/05/2023

RK/SAR-(25/05/2023) 4P/4C