



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

Date : 07/06/2023

PRESENT

WEB COPY

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

CRL OP(MD) . No.9405 of 2023

Kumar

... Petitioner/Accused No.3

Vs

The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
Cr.No.95/2023.

... Respondent/Complainant

For Petitioner : Mr.V.Angusamy,
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 Cr.No.95/2023 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)
and 20(b)(ii)(B) and 25 of the NDPS Act, in Crime No.95 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 1.750kgs 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 A3. Even according to
the case of the prosecution, A1 and A2 were found in possession of
contraband weighing 1.750kgs of Ganja. On the basis of their
confession, the petitioner has been implicated as an accused. Except
the confession statement, no other material produced by the
prosecution to implicate the petitioner as an accused. The
petitioner has not involved in any previous case for similar
offence.



5. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioner is not having any previous case, 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 Special Court for 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 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

/ TRUE COPY /

/06/2023

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

SJI
TO



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

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

+1. CC to V.ANGUSAMY Advocate SR.No.26907 (F)

ORDER
IN
CRL OP (MD) No.9405 of 2023
Date :07/06/2023

SS/MMS/14/06/2023/3P/5C