



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

Date : 25.05.2023

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD) . No.9421 of 2023

Vijayakanth ... Petitioner/Accused Rank not known

Vs

The State represented by  
The Inspector of Police,  
Pattukottai Police Station,  
Thanjavur District.

In Crime No.362 of 2023

... Respondent/Complainant

For Petitioner : Mr.S.Ramesh Kumar  
Advocate.

For Respondent : Mr.M.Veeranthiran, Government Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.362 of 2023 on the file of the Respondent police.

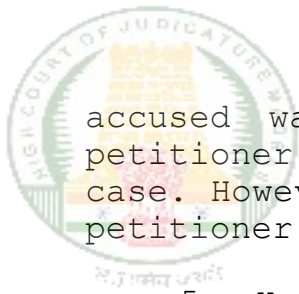
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(A) of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.362 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused was found in possession of 200 gms of ganja. The first accused was arrested and remanded to judicial custody and on the basis of the statement given by the first accused, the petitioner's name is added in this case and he is arrayed as the second accused. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not involved in any similar cases and he is ready to abide by any condition that may be imposed by this Court. He prays for grant of anticipatory bail to the petitioner.

4. The Additional Public Prosecution would submit that that the evidence was recovered from the first accused and the first



accused was arrested. He would further submit that the petitioner is having 3 IPC cases, he is not having any similar case. However, he would oppose for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and also the facts that the contraband was recovered only from the first accused and the first accused was arrested and released on bail and the petitioner, who is arrayed as the second accused, is not having any similar case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai, 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 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 is 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 229-A IPC.

sd/-  
25/05/2023

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/ TRUE COPY /

/05/2023

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

CM

TO

- 1 THE JUDICIAL MAGISTRATE,  
PATTUKOTTAI.
- 2 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE  
PATTUKOTTAI POLICE STATION,  
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.9421 of 2023  
Date :25/05/2023

PKP/ /SAR- /26.05.2023/ **3P/ 5C**