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CRL OP(MD).



23

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

Date : 02/06/2023

PRESENT

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

CRL OP(MD) . No.9492 of 2023

R.Sanjay ... Petitioner/Accused No.5

Vs

The State rep.by,
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
Cr.No.207 of 2022.

... Respondent/Complainant

For Petitioner : S.Ayyanar Prem Kumar,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

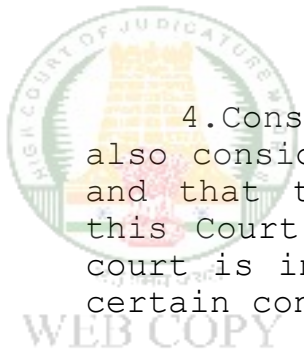
To enlarge the petitioner on bail in the event of arrest in connection with Crime No.207 of 2022, on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 8(c), 20(b)(ii)(B), 29(1) and 22(b) of NDPS Act in Crime No.207 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were illegally found in possession of 1.100 Kg of Ganjas and 75 Nitrazepam IP Nitravet Tablets weighed to be 0.145 grams and hence, the complaint.

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



4. Considering the above facts and circumstances of the case and also considering the facts that the petitioner is only 23 years old and that the co-accused has already granted anticipatory bail by this Court in Crl.O.P.(MD)No.21612 of 2022, dated 14.12.2022, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5. 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 Judicial Magistrate No.II, Nagercoil, 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 06.00 p.m., for a period of two weeks and thereafter, on every Saturday at 05.30 p.m, until further orders.

[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/-

02/06/2023

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

SJI

<https://www.mhc.tn.gov.in/judis>



TO

1. THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.

3. THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.S.SURESH KUMAR, Advocate (SR-7945[I] dated
02/06/2023)

ORDER

IN

CRL OP(MD) No.9492 of 2023

Date :02/06/2023

RK/CG/SAR- (06/06/2023) 3P/6C