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CRL OP(MD).



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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.9513 of 2023

Saravanan @ Mottai Kalai

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Silaiman Police Station,
Madurai District.
In Crime No.143 of 2023

... Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed
Advocate.

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.143 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, 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 and 77 of Juvenile Justice (care and Protection of Children), Act, 2015 in Crime No.143 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused were found in possession of 700 gms of ganja in small packages. The first accused was arrested and remanded to judicial custody and the second accused ran away from the place of occurrence. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not involved in any previous 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 contraband was recovered 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 previous 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 previous 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 Principal NDPS Judge, 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 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 30 days 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].



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[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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/05/2023

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

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TO

- 1 THE PRINCIPAL NDPS JUDGE,
MADURAI.
- 2 THE INSPECTOR OF POLICE,
SILAIMAN POLICE STATION,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9513 of 2023

Date :25/05/2023

SA/26.05.2023/3P/4C