



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

Date : 06.06.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD)No.9707 of 2023

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M.Chelladurai

... Petitioner / Accused rank not known

Vs

The Inspector of Police,
Kotticode Police Station,
Kotticode,
Kanniyakumari District.
(Crime No.33 of 2023)

... Respondent / Complainant

For Petitioner : Mr.N.Pragalathan, Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.33 of 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), 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.33 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 26.03.2023, at about 08.30 am., based on the secret information, the respondent police went to the occurrence place and searched one Balasundar and he was in illegal possession of 130 grams of ganja. Based on his confession, the petitioner and other persons were added as accused.

3.Heard both sides and perused the materials available in the record.

4.It is seen that there are totally four accused in this case, in which the petitioner herein is arrayed as A3. Even according to the case of the prosecution, A1 was in possession of 130 grams of ganja and he was arrested and released on bail. Only on his



confession statement, the petitioner herein was added as an A1. There is no evidence produced by the prosecution to connect the petitioner along with A1. Therefore, custodial interrogation of the petitioner does not require. Hence, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

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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.1, Padmanapapuram, Kanniyakumari District 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 two 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.

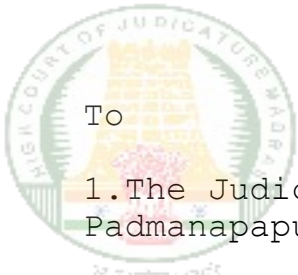
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



To

1.The Judicial Magistrate No.I,
Padmanapuram, Kanniyakumari District.

2.Do through the Chief Judicial Magistrate,
Kanniyakumari District at Nagercoil.

3.The Inspector of Police,
Kotticode Police Station,
Kotticode, Kanniyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-8132[I] dated 06/06/2023)

ORDER

IN

CRL OP(MD) No.9707 of 2023

Date :06/06/2023

ED/BUC/SAR- (13/06/2023) 3P 6C