

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

Date : 26/06/2023

PRESENT

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

CRL OP(MD). No.11455 of 2023

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... Petitioner/Accused / Accused No.4

Vs

The State Rep.by
The Inspector of Police,
Uthappanaickanur Police Station,
Madurai District.

(Crime No.97 of 2023). ... Respondent/Complainant / Complainant

For Petitioner : M/s.B.Arun,
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 Crime No.97 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 25 of NDPS Act, 1985 in Crime No.97 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is working as a Sub-Inspector of Police in the respondent police, has received a secret information on 15.05.2023 that the accused person selling Ganja near Satachipatti Water tank. The respondent police went to the occurrence and arrested A1 to A3 and seized 1 ½kgs of Ganja from them. Based on the confession of the arrested accused, the petitioner was implicated in this case.

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

4.It is seen that there are totally four accused involved in this case and the petitioner is arrayed as A4. A1 and A3 were arrested on contraband. Based on their confession statement, the petitioner has been implicated as an accused. Now A1 to A3 were arrested and released on bail. Insofar as the petitioner is concerned, he had no previous case and only on the confession statement of the co-accused, he has been implicated as an accused in this case.

5. Taking into consideration of the facts and circumstances of the 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 District and Sessions Court for EC and NDPS Judge, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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. and 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/-
26/06/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. The Judge,
District and Sessions Court for
EC and NDPS Court, Madurai District.
2. The Inspector of Police,
Uthappanaickanur Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.11455 of 2023
Date : 26/06/2023

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