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CRL OP(MD).N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.03.2023

PRESENT

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

CRL OP(MD).No.14422 of 2022

Sudhan

... Petitioner/Sole Accused

Vs.

State Rep.by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
Crime No.311 of 2022.

... Respondent/Complainant

For Petitioner : Mr.H.Elango, 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.311 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offence punishable under sections 20(A)(1) of Narcotic Drugs & Psychotropic Substances Act, 1985, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 06.07.2022 at about 8.00 p.m, when the Sub Inspector of Police was in Kottar Police Station on duty, a secret information was received that the petitioner is cultivating Ganja plant in a plastic Jodi in front of his house. The Ganja plant height is 5 ½ ft. When the respondent entered into the petitioner's house along with police party to verify whether there is any Ganja plant, the petitioner ran away. The respondent police inspected the place and confirmed that there is Ganja plant. Hence, the complaint.

<https://www.mca.gov.in/judis>



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

4. Considering the above facts and circumstances of the case and considering the fact that whether the Ganja plant was grown up by the petitioner and the custodial interrogation of the petitioner does not require, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 morning at 10.30 a.m., without fail, for a period of two weeks and thereafter as on 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]; and;

(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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



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- 1 THE JUDICIAL MAGISTRATE NO.II
NAGERCOIL.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14422 of 2022
Date :07/03/2023

PKP/CG/SAR-3/23.03.2023/ **3P/5C**