



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2023

PRESENT

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22788 of 2022

Deepak

...Petitioner/Accused No.5

-vs-

State rep.by
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(in Crime No.494 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.494 of 2022.

For Petitioner : Mr.S.Sivaprakash, Advocate

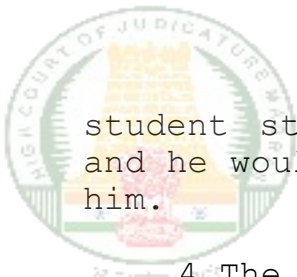
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 8C, 20 (b) (ii) (B), 25 and 29(1) of NDPS Act in Crime No.494 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the petitioner along with other accused was found in illegal possession of 3.5 kgs of Kanja and on seeing the Police, the petitioner ran away and A1 and A2 were arrested. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and the petitioner has been falsely implicated based on the confession recorded from the arrested accused. He would further submit that the petitioner is a College



student studying B.Sc (Physical Education) at Arulanandar College and he would submit that the petitioner has no previous case against him.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused was trading in 3.5 kgs of kanja and on seeing the Police, the petitioner ran away from the scene of occurrence and two persons were apprehended from the scene of occurrence and they have confessed that the petitioner was also a member of the gang dealing with kanja. However, he would submit that the petitioner is a student in Arulanadar College and he has no previous case against him.

5. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 Judicial Magistrate, Thirumangalam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum, one shall be either the father or mother of the petitioner, 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 everyday 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.

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Sd/-
02/01/2023

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

cmr

TO

1. THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SIVAPRAKASH S Advocate SR.No.81

ORDER
IN
CRL OP(MD) No.22788 of 2022
Date :02/01/2023

SP/SSS/SAR III/09/01/2023/3P/6C