



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2023

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.23312 of 2022

P.Viswanathan @ Vishwa

... Petitioner/2nd Accused

Vs

State rep.by,
The Inspector of Police,
Andipatti Police Station,
Theni District.
Crime No.321 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Manikandan M, Advocate

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

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

PRAYER :-

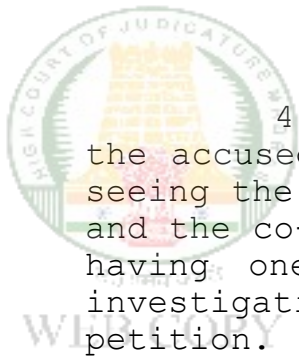
For Anticipatory Bail in Crime No.321 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(A) and 25 of NDPS Act, 1985, in Crime No.321 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons had found in illegal possession of 1.100grams of ganja. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence, as alleged by the prosecution. He would further submit that the co-accused has been released on bail and he is not having any previous case to his credit. Hence, prays to release him on anticipatory bail.



4.The learned Government Advocate (Crl.Side) submitted that the accused persons had found in illegal possession of ganja and on seeing the police, this petitioner ran away from the occurrence spot and the co-accused/A1 was arrested by the Police. The petitioner is having one previous case, under IPC offences. In this case, investigation is still pending and hence, prays to dismiss the petition.

5.At this juncture, the learned counsel for the petitioner submitted that the petitioner is not having any previous case under NDPS Act. However, to show his *bona fide*, he is ready to donate/deposit a sum of Rs.5,000/- (Rupees Five Thousand only) in any Welfare Scheme running at Madurai Bench of Madras High Court. Hence, prays to release him on anticipatory bail.

6.Heard both sides. Taking into consideration the facts and circumstances of the case and considering the readiness of the petitioner to deposit amount in any Welfare Scheme, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.Accordingly, the petitioner shall pay a sum of ***Rs.5,000/- (Rupees Five Thousand only)*** to the credit of the ***Madurai Bench High Court Advocates Association (MBHAA), A/c No.496038755, IFSC Code - IDB000H040, Indian Bank, Madurai Bench of Madras High Court, Madurai for the purpose of purchasing e-books***, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judge concerned.

8.On production of such receipt/acknowledgment, 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 ***Judge, Special Court for NDPS Act Cases, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judge 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 Judge 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 10.30 a.m., until further orders.



[c] the petitioner shall not tamper with evidence or 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 Judge/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 Judge/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/-

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

pnm

TO

1.THE JUDGE, SPECIAL COURT FOR NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE,
ANDIPATTI POLICE STATION,
THENI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
MADURAI BENCH HIGH COURT ADVOCATES ASSOCIATION (MBHAA),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER

IN

CRL OP(MD) No.23312 of 2022

Date :03/01/2023

RK/SSS/SAR-4 (09/01/2023) 3P/5C