



CRL OP(MD) No.72 of 2024

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

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.72 of 2024

BHARATH

... PETITIONER/ ACCUSED 4

Vs

THE INSPECTOR OF POLICE
SEDAPATTI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.214 OF 2023)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.J.KARMEGA KANNAN, Advocate

For Respondent : Mr.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.214 OF 2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.4, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii) (B) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.214 of 2023 on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner along with three other accused persons were having contraband in their hands. At that time, when the Police officials were in patrol duty, they seized contraband from the accused persons. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence. He would further submit that the petitioner is not at all present at the scene of occurrence and based on the confession statement of the other accused only, he has been arrayed as Accused No.4 in this case. Hence, he prayed for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that there is no previous case pending against the petitioner and he would further submit that totally, 1 Kgs 600 Gms of contraband were recovered from Accused Nos.1 to 3 and not from the present petitioner herein. He would further submit that the seized contraband is not a commercial quantity.

5. Considering the facts and circumstances of the case and considering the fact that the seized contraband is not a commercial quantity and considering the fact that no previous case is pending against the petitioner and also considering the fact that the petitioner is not at all present at the scene of occurrence, I am inclined to



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grant anticipatory bail to the petitioner.

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6. Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned District Munsif-cum-Judicial Magistrate, Peraiyur, Madurai 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police as and when required for interrogation;



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(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

sd/-
04/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
SEDAPATTI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.K.THANGAPANDIAN, Advocate (SR-165[I] dated 04/01/2024)

ORDER
IN
CRL OP(MD) No.72 of 2024
Date :04/01/2024

SA/DD/SAR. /09.01.2024/5P/C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.