



CRL OP(MD) No.124 of 2024

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.124 of 2024

AJAY

... PETITIONER/ ACCUSED NO.3

Vs

THE INSPECTOR OF POLICE
PEW SRIVILLIPUTHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.1263 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.M.PANDIAN 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.1263 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 8(c), 20(b)(ii)(A) of NDPS Act, 1985 and



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Section 77 of Juvenile Justice Act, in Crime No.1263 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 100grams of Ganja. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner did not possess any Ganja and based on the confession statement of the co-accused, the petitioner was implicated in this said case and the co-accused was already enlarged on bail before the trial Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor did not dispute the fact submitted by the learned counsel for the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused was already enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, this Criminal Original Petition is ordered and 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 of receipt of a copy of this order, before the learned (*) Judicial Magistrate Court No.II, Sivakasi, Virudhunagar 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 daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(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;



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(f)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;

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

sd/-
05/01/2024

(*)Amended as per Order of the Court dt.01.02.2024 in Crl.MP(MD).1025/2024 in Crl.OP(MD).124/2024 by MDIJ.

Further Time granted by this Court to comply with the condition imposed vide order dated 05.01.2024 in Crl.OP(MD). No.124 of 2024 is extended for a period of two weeks from the date of receipt of amended copy of this order.

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/02/2024

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

SJI

TO

TO BE SUBSTITUTED WITH THE ORDER DT.05/01/2024 IS ALREADY DESPATCHED

1.THE PRINCIPAL SPECIAL JUDGE FOR EC AND NDPS ACT COURT, MADURAI,

<https://www.mhc.tn.gov.in/judis>



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2.THE JUDICIAL MAGISTRATE NO.II, SIVAKASI, VIRUDHUNAGAR DISTRICT.

3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

4. THE INSPECTOR OF POLICE
PEW SRIVILLIPUTHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.M.PANDIAN, Advocate (SR-398[I] dated 09/01/2024)

ORDER
IN
CRL OP(MD) No.124 of 2024
Date :05/01/2024

RK/JGB (10/01/2024) 5P / 5C

TTA

SA/GS/SAR. 09/02/2024 5P/ 7C

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