



CRL OP(MD) No.218 of 2024

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

Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.218 of 2024

NAGENDIRAN

... PETITIONER/ ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE  
PEW, THENI,  
THENI DISTRICT.  
CRIME NO.1105 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.YOGESWARAN J 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.1105 OF 2023 ON THE FILE OF THE  
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent  
police for the alleged offence under Sections 8(c), 20(b)(ii)(B) and 29(1) of NDPS Act,

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in Crime No.1105 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 other accused were found in illegal possession of 1.200 kgs of Ganja. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the contraband has been possessed by the petitioner is not a commercial quantity and is only a smaller quantity and no similar previous case is pending against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner along with other accused were found in illegal possession of 1.200 kgs of Ganja and the petitioner is having one previous case under the IPC offence. However, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that no serious allegation is made against the petitioner and the quantity of contraband involved in this case is not a commercial quantity, 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, Theni, 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;



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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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
08/01/2024

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/01/2024

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

SJI

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TO  
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1.THE JUDICIAL MAGISTRATE, THENI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THENI.

3.THE INSPECTOR OF POLICE  
PEW, THENI,  
THENI DISTRICT.

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

+1 CC to M/s.J.YOGESWARAN, Advocate ( SR-481[I] dated 10/01/2024 )

ORDER  
IN  
CRL OP(MD) No.218 of 2024  
Date :08/01/2024

RK/VR (11/01/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
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