



CRL OP(MD) No.374 of 2024

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

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.374 of 2024

VIJAY @ MARIVIJAY

... PETITIONER / ACCUSED No.3

Vs

THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY.
CRIME NO.1354/2023.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.JEGADEESHAPANDIAN.V.M Advocate

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

PETITION FOR ANTICIPATORY BAIL U/S 438 OF Cr.P.C
PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.1354/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.3, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Sections 8 (c) 20(b)(ii)(B)

of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.1354 of 2023,

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



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seeks anticipatory bail.

2. The case of the prosecution is that based on the secret information, the respondent Police seized 2 Kgs of Ganja from the Accused. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged offence. He would further submit that the petitioner is ready to abide by any conditions imposed by this Court. Hence, he prays for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that totally 2 kgs of Ganja was recovered from the accused. He would further submit that three previous cases are pending against the petitioner and they all are under I.P.C. Offences. He would further submit that the Ganja which was recovered from the petitioner is not a commercial quantity. Hence, he prays for dismissal of this petition.

5. Considering the facts and circumstances of the case and also considering the fact that the contraband recovered from the petitioner is not a commercial quantity, I am inclined to 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 Principal Special Court for EC and 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 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. until further orders;

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



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(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/-
10/01/2024

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

TSG
TO

1 THE PRINCIPAL SPECIAL JUDGE
FOR EC AND NDPS ACT CASES, MASDURAI.



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2 THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY.

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

+1 CC to M/s.V.M.JEGADEESHA PANDIAN, Advocate (SR-520[I] dated
10/01/2024)

ORDER
IN
CRL OP(MD) No.374 of 2024
Date :10/01/2024

PKP/DD/SAR /23.01.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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