



CRL OP(MD) No.753 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.753 of 2024

N.BOLT YOVAN @ YOVAN

... PETITIONER/ACCUSED 1

Vs

THE INSPECTOR OF POLICE
THENI NIBCID POLICE STATION,
THENI DISTRICT.
Crime No.38/2022

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.K.DINESH 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. 38 OF 2022 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, 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
Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.38 of 2022, on the



CRL OP(MD) No.753 of 2024

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 1.750 kgs of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution. There is no material evidence to connect the petitioner in this case. He further submitted that apart from this case, one similar case was pending against this petitioner and the same was also disposed of on 02.03.2023 and now, no similar case is pending against this petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. side) submitted apart from this case, two previous cases are pending against this petitioner, in which one is similar in nature and another one is under the IPC offence. However, the similar case was disposed by the trial Court on 02.03.2023. He further submitted that investigation in this case is pending. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the facts that the similar case pending against the petitioner was already disposed by the trial Court in S.T.C.No.2500 of 2022, dated 02.03.2023 and the quantity of contraband involved in this case is not a commercial quantity, which is only a smaller quantity, this Court is inclined to grant anticipatory bail to the petitioner with certain



CRL OP(MD) No.753 of 2024

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 Principal Special Court for EC& 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., 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;



CRL OP(MD) No.753 of 2024

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

sd/-
22/01/2024

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

CP
TO
1 THE PRINCIPAL SPECIAL JUDGE
FOR EC & NDPS ACT CASES, MADURAI.

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

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



CRL OP(MD) No.753 of 2024

+1 CC to M/s.K.DINESH, Advocate (SR-931[I] dated 23/01/2024)

ORDER
IN
CRL OP(MD) No.753 of 2024
Date :22/01/2024

SA/VR/SAR. /30.01.2024/5P/5C

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