



CRL OP(MD) No.671 of 2024

WEB COPY

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.671 of 2024

1 SIVAN PANDI
2 THANGAPANDI
3 SINTHAMANI

... PETITIONERS/ ACCUSED 3 TO 5

Vs

THE INSPECTOR OF POLICE
VELIPALAYAM POLICE STATION,
NAGAPATTINAM DISTRICT.
(CRIME NO.552 OF 2023)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.KUMARAVEL, Advocate
For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.552 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A3 to A5, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 8(c) and 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.552 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners and the other accused were



CRL OP(MD) No.671 of 2024

found in possession of 4.200 kg of Ganja. Hence, the case.

WEB COPY

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the already A1 and A2 were arrested with contraband and remanded to judicial custody. Based on their confession, these petitioners were implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the State submitted that already A1 and A2 were arrested with contraband and remanded to judicial custody. The first petitioner/A3 is having 45 previous cases. Out of which, 30 cases are similar in nature. Hence, he vehemently, opposed to grant anticipatory bail to the petitioners. However, he fairly conceded that there is no previous case against the petitioners 2 & 3/A4 & A5.

5. This Court perused the antecedent of the first petitioner. He is having 45 previous cases. Out of which, 30 cases are similar in nature. Hence, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this Criminal Original Petition is dismissed insofar as the first petitioner is concerned.

6. Insofar as the petitioners 2 and 3 is concerned, no case is pending against them and no recovery was made from them, this Court is inclined to grant



CRL OP(MD) No.671 of 2024

anticipatory bail to the second petitioner.

WEB COPY

7. Accordingly, this Criminal Original Petition is partly allowed and the petitioners 2 & 3 are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional District Judge/Special Court under E.C Act Cases, Thanjavur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m, until further orders;

(d) the petitioners shall not tamper with evidence or witness either during



CRL OP(MD) No.671 of 2024

investigation or trial;

WEB COPY

(e) the petitioners 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/-

12/01/2024

/ TRUE COPY /

/01/2024

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

dss

TO

1 THE ADDITIONAL DISTRICT JUDGE/
SPECIAL COURT UNDER E.C ACT CASES, THANJAVUR.

2 THE INSPECTOR OF POLICE, VELIPALAYAM POLICE STATION,
NAGAPATTINAM DISTRICT.

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



WEB COPY



CRL OP(MD) No.671 of 2024

ORDER

IN

CRL OP(MD) No.671 of 2024

Date :12/01/2024

RS/VR/SAR-(22.01.2024) 5P 4C

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