



CRL OP(MD) No.1994 of 2024

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

Friday, the Ninth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1994 of 2024

T.SAMUTHIRAM @ SAMUDRAVEL

... PETITIONER/ ACCUSED NO.5

Vs

THE INSPECTOR OF POLICE
MARANERI POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CRIME NO.97/2023

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.MANIKANDAN.A 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.97/2023 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent
police for the alleged offence punishable under Sections 77 J.J Act ad Section 8(c) r/w

Section 20(b)(ii)(A) of NDPS Act, 1985 in Crime No.97 of 2023, seeks anticipatory bail.

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



CRL OP(MD) No.1994 of 2024

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2.The case of the prosecution is that the petitioner and other accused supplied ganja to the defacto complainant's son, who is minor. Hence, the present case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the co-accused was granted anticipatory bail by this Court in Crl.O.P(MD) No.255 of 2024 and the alleged quantity of the ganja is not commercial quantity. Hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the quantity involved in this case is not commercial quantity and the investigation in this case is not yet completed. Further, no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused granted anticipatory bail by this Court and no previous case



CRL OP(MD) No.1994 of 2024

is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 No.I, 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., until further orders;

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



CRL OP(MD) No.1994 of 2024

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 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/-
09/02/2024

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/02/2024
Sub-Assistant Registrar (CS- I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1.THE JUDICIAL MAGISTRATE NO.I,
SIVAKASI,
VIRUDHUNAGAR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.



CRL OP(MD) No.1994 of 2024

3.THE INSPECTOR OF POLICE
MARANERI POLICE STATION,
VIRUDHUNAGAR DISTRICT,

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

+1 CC to M/s.A.MANIKANDAN, Advocate (SR-1649[I] dated 09/02/2024)

ORDER
IN
CRL OP(MD) No.1994 of 2024
Date :09/02/2024

RK/GS(16/02/2024) 5P / 6C

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