



CRL OP(MD) No.2207 of 2024

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

Tuesday, the Thirteenth day of February Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.2207 of 2024

ALEXPANDIAN @ ALEX

... PETITIONER/ ACCUSED RANK NO.6

Vs

THE INSPECTOR OF POLICE
ALLINAGARAM POLICE STATION,
THENI DISTRICT
CRIME NO.472 OF 2023

... RESPONDENT/COMPLAINANT

For Petitioner : MR.D.RAJABOOPATHY, 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.472 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 20(b)(ii)(B), 25, 29(1) and 8(c) of NDPS Act, 1985, in Crime No.472 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that on 04.12.2023, the petitioner and the other accused persons were found in illegal possession of 4 ¼ kg of Ganja. Hence this complaint.



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3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and the fact that no previous case is pending against the petitioner and seized quantity is not commercial quantity, this Court is inclined to grant anticipatory bail to the petitioner.

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 Judge for E.C and NDPS Act Cases, Madurai 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



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stand automatically cancelled;

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(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;

(e)the petitioner shall not abscond either during investigation or trial;

(f)after the seizure procedure is over, the concerned Magistrate and the respondent Police are directed to comply with the guidelines enumerated under section 52(A) of NDPS Act and as per the guidelines issued by the Hon'ble Supreme Court of India in the case of Union of India Vs. Mohanlal and Another ((2016) 3 SCC 379).

(g)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;



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(h)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC;

sd/-
13/02/2024

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/02/2024

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

SSB

TO

- 1 THE PRINCIPAL SPECIAL JUDGE FOR EC AND NDPS ACT CASES,
MADURAI DISTRICT.
- 2 THE INSPECTOR OF POLICE, ALLINAGARAM POLICE STATION,
THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-1785[I] dated 13/02/2024)

ORDER IN
CRL OP(MD) No.2207 of 2024
Date :13/02/2024

RS/JGB/SAR-(16.02.2024) 4P 5C
Madurai Bench of Madras High Court is issuing
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