



CRL OP(MD) No.2492 of 2024

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

Tuesday, the Twentieth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2492 of 2024

1 SANKARA NARAYANAN

2 VELMURUGAN @ MUTHUVEL

... PETITIONERS/ ACCUSED 2 & 4

Vs

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

... RESPONDENT

For Petitioner : M/S.BHARATHI K 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.1354 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A2 to A4, 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.1354 of 2023, seek anticipatory bail.



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2.The case of the prosecution is that the petitioners and the other accused were found in possession of 2 kg of Ganja. Hence, the case.

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 there was no recovery from the petitioners. Based on the confession of A1, these petitioners were implicated in this case. Further, the contraband seized from the petitioners is not a commercial quantity and it is a intermediate quantity. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the State submitted that the petitioners 1 & 2 are not having any previous case. The third petitioner is having 5 previous cases. Out of which, 1 case is similar in nature. The investigation is still pending. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that the contraband seized in this case is intermediate quantity, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

6.Accordingly, the petitioners 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



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Principal Special Court for NDPS Act Cases, Madurai, 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 investigation or trial;

(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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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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/-
20/02/2024

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

DSS

TO

1 THE PRINCIPAL SPECIAL JUDGE
FOR NDPS ACT CASES,
MADURAI.

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

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

+1 CC to M/s.K.BHARATHI, Advocate (SR-2135[I] dated 20/02/2024)



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ORDER
IN
CRL OP(MD) No.2492 of 2024
Date :20/02/2024

SA/VR/SAR. /26.02.2024/5P/5C

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