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CRL OP(MD) No.3268 of 2024

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

Friday, the First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3268 of 2024

INDHRA

... PETITIONER/ ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
PEW-SRIVILLIPUTHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.18 OF 2024.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.NIHAR ALI, 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.18 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.2, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Sections 8(c), 20(b)(ii)(A) of

Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 of JJ Act in Crime
<https://www.mhc.tn.gov.in/judis>



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No.18 of 2024 on the file of the respondent Police, seeks anticipatory bail.

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2. The case of the prosecution is that on 10.01.2024, when the Police officials were in patrol duty, at that time, one Eswari was found in illegal possession of 55 gms of contraband and further, she was found in possession of Rs.71,200 /- and thereby, the respondent Police arrested the above said Eswari and seized contraband from her. She gave a statement to the respondent Police that she has purchased the above said contraband from the petitioner herein. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and she has nothing to do with the alleged offence. He would further submit that the petitioner is ready to abide by any conditions imposed by this Court. He would further submit that based on the confession statement of the above said Eswari, the petitioner herein is added as Accused No.2 in this case. He would further submit that the petitioner is not available at the scene of occurrence. Hence, he prays for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that two previous cases are pending against the petitioner and they are similar in nature. Hence, he vehemently opposed for grant of anticipatory bail.



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5. Considering the facts and circumstances of the case and also considering the fact that the seized contraband is not a commercial quantity and also considering the fact that the contraband is recovered only from the co-accused and not from the petitioner herein, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and she is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputhur, 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 All Women Police Station, Srivilliputhur daily at 10.30 A.M. until further orders;

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



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or trial;

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(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 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;

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

sd/-
01/03/2024

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/03/2024

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

TSG

TO

1. THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.

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



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

3. THE INSPECTOR OF POLICE
PEW-SRIVILLIPUTHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

COPY TO

THE INSPECTOR,
ALL WOMEN POLICE STATION, SRIVILLIPUTHUR

ORDER
IN
CRL OP(MD) No.3268 of 2024
Date :01/03/2024

RK/VR (07/03/2024) 5P / 6C

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