



CRL OP(MD) No.3491 of 2024

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

Tuesday, the Fifth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3491 of 2024

SANTHURU

... PETITIONER / ACCUSED No.4

Vs

THE INSPECTOR OF POLICE
PERUNGUDI POLICE STATION,
MADURAI DISTRICT.
CRIME NO. 144/2023

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.SATHISH KUMAR.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. 144 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 8(c), 20(b)(ii)(B) and 29(1) of NDPS Act,



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in Crime No.144 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 24.08.2023, based on the secret information, the respondent police recovered 2 kgs of Ganja from the arrested accused persons and based on the confession of the arrested accused, the present case has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is arrayed as A4 and no recovery was made from the petitioner. However, the earlier application for anticipatory bail was dismissed on the basis of the objection made by the learned Additional Public Prosecutor. However, till date, the respondent police have not taken any effective steps to either secure the accused or file the charge sheet. Hence, there is a change of circumstance in the present case, this Court may grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that it is true that the earlier anticipatory bail application filed by the petitioner was dismissed and the investigation is almost completed. Now, the Special Sub-Inspector of Police has appeared in person before this Court and stated that a special team has been formed



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and however, till date, they have not able to secure the accused.

5.Considering the facts and circumstances of the case and also considering the facts that no contraband was seized from the petitioner and the contraband was seized only from the main accused and no previous case is pending against the petitioner and the quantity of contraband involved in this case is not commercial quantity, it is only a smaller quantity and till date, the respondent police had not taken any effective steps to secure the accused, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and 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 Principal Special Court for EC & NDPS Act Cases, Madurai, 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



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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., 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



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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/-
05/03/2024

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/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

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

+1 CC to M/s.SATHISH KUMAR, Advocate (SR-2844[I] dated 06/03/2024)

ORDER
IN

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Date :05/03/2024

PKP/GS/SAR /13.03.2024/ 5P/5C

Madurai Bench of Madras High Court is issuing certified

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