



CRL OP(MD) No.3700 of 2024

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

Thursday, the Seventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3700 of 2024

MOHANRAJ

... PETITIONER / ACCUSED No.3

Vs

THE INSPECTOR OF POLICE
USILAMPATTI POLICE STATION
MADURAI DISTRICT.
CR.NO.563/2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.REKHA.N, 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. 563/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 8(C), 20(b)(ii)(B) and 25 of NDPS Act, in



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Crime No.563 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein is the accused No.3 and on 07.11.2023, when search was made by the respondent police, they caught A1, who was in possession of 4 kgs of Ganja, which was allegedly purchased from the petitioner herein and the same was recovered under a cover of mahazer. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner's earlier two anticipatory bail applications were dismissed by this Court on 03.01.2024 and 16.02.2024. Even then the respondent police did not secure the accused and further, no previous case is pending against the petitioner except this case. He further submitted that A1 was already secured and he was detained under Act 14 of 1982 and the petitioner is ready to abide by any conditions as imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the initial anticipatory bail application was dismissed on 03.01.2024 and the subsequent anticipatory bail application was dismissed on 16.02.2024. Though the contraband



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was seized from A1, A1 gave a confession and stated that he purchased contraband from A3. Hence, he vehemently opposed the grant of anticipatory bail to the petitioner.

5. Admittedly, there is no previous case pending against the petitioner and the earlier two anticipatory bail applications were dismissed on the ground that three previous cases were pending against the petitioner. However, the fact remains that the said previous cases that against the petitioner, the seized contraband was not a commercial quantity, it is only a smaller quantity and further, the initial anticipatory bail application was dismissed on 03.01.2024 and however, till date, the respondent police have not secured the accused.

6. Considering the facts and circumstances of the case and also considering the lethargic attitude of the respondent police, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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



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period of fifteen days from the date of receipt of a copy of this order, before the Special Court for EC & NDPS 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 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 investigation 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 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;

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

sd/-
07/03/2024

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



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TO COPY

- 1 THE SPECIAL JUDGE,
FOR EC AND NDPS CASE, MADURAI.
- 2 THE INSPECTOR OF POLICE
USILAMPATTI POLICE STATION MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.REKHA, Advocate (SR-2905[I] dated 07/03/2024)

ORDER
IN

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Date :07/03/2024

PKP/GS/SAR /18.03.2024/ 6P/ 5C

Madurai Bench of Madras High Court is issuing certified
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