



CRL OP(MD) No.3696 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3696 of 2024

MAHESWARAN

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
USILAMPATTY TOWN POLICE STATION,
MADURAI DISTRICT.
CRIME NO.558/2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.MUNIYANDI, Advocate

For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.558 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 8(c) r/w. 20(b)(ii)(B) and 25 of NDPS Act, in Crime
No.558 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that on secret information received, the



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respondent Police conducted a raid along with his Police parties on 06.11.2023 at about 6.30 p.m., at Usilampatti - Batlagundu Road, Meikkilarpatti Junction, the first accused drove his two wheeler. On seeing the Police party, he dropped his vehicle along with 2kgs of contraband and his identity card at the place of occurrence and ran away. Hence, the respondent Police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Only based upon the confession statement of the co-accused, the petitioner was implicated as an accused and there is no recovery from the petitioner. In fact, on earlier occasion, one case was foisted against the petitioner in similar nature, thereby, the present false case has been foisted against him. Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor would submit that apart from this case, two previous cases are pending against the petitioner, among which, two cases are similar in nature. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the seized contraband is a smaller 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



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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 Principal Special Court for 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 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 the period of two weeks and thereafter, he shall appear before the respondent Police as and when required;

(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;



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(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/-
08/03/2024

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

INDU

TO

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



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2 THE INSPECTOR OF POLICE, USILAMPATTY TOWN POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-2948[I] dated 08/03/2024)

ORDER
IN

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Date :08/03/2024

RS/JGB/SAR-(15.03.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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