



CRL OP(MD) No.3699 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.3699 of 2024

B KRISHNAMOORTHY

... Petitioner / Accused Rank not known

Vs

THE SUB INSPECTOR OF POLICE
AYIKUDI POLICE STATION,
TENKASI DISTRICT.
(CRIME NO.104/2023)

... Respondent / Complainant

For Petitioner : M/s.Venkatesh, 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. 104/2023 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)(A) of NDPS Act and Section
25(1A) of Arms Act, in Crime No.104 of 2023, seeks anticipatory bail.



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2. The case of the prosecution is that on secret information received, the respondent Police conducted a raid along with his Police parties on 14.10.2023 near alloy roof sheated room near one Hariharan land in SKT Nagar, Agarakattu. On seeing the Police party, the accused persons ran away from the occurrence place and on search, the respondent Police seized 750 grams of Ganja and 6 deadly weapons. 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 due to statistical purpose, the false case has been foisted against the petitioner. Further, the co-accused was granted bail by this Court in CrI.O.P(MD) No.22090 of 2023. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that no previous case is pending against the petitioner. 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 be released on bail in the event of arrest or on his appearance, within a period of



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fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Senkottai, 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;

(f)after the seizure procedure is over, the concerned Magistrate and the



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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 Judicial Magistrate,
Senkottai.



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2. Do through the Chief Judicial Magistrate,
Tirunelveli District.

3. The Sub Inspector of Police,
Ayikudi Police Station,
Tenkasi District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.3699 of 2024
Date :08/03/2024

ED/ VR /SAR- (15/03/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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