



CRL OP(MD) No.4139 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4139 of 2024

1 K MURUGAN

2 K ARUMUGAM

... PETITIONERS / ACCUSED Nos.2 & 3

Vs

THE INSPECTOR OF POLICE
RAMANATHAPURAM TOWN POLICE STATION,
RAMANATHAPURAM,
CRIME NO. 37 OF 2024

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.LAWRANCE.J 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. 37 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners / Accused No.2 and 3, who apprehend arrest at the
hands of the respondent police for the alleged offence punishable under Sections



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8(C) r/w 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in

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Crime No.37 of 2024 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of 1Kg 200 gms of Ganja and thereafter, the respondent Police seized the ganja from the accused persons. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence. Hence, he prayed for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that totally 1Kg 200 gms of Ganja were recovered from the accused persons. He would further submit that the first petitioner is having four previous cases, which are under IPC offences and the second petitioner is having five previous cases, which are under IPC offences.

5. Considering the facts and circumstances of the case and also considering the fact that the seized contraband is not a commercial quantity, this Court is inclined to grant anticipatory bail to the petitioners.



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6. Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judge for Essential Commodities and NDPS Act Cases, Pudukottai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), each 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 A.M. until further orders;



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(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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]*;

(g) However, 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 the 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)* and;



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

sd/-
15/03/2024

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/03/2024

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

TSG
TO

- 1 THE SPECIAL JUDGE FOR
ESSENTIAL COMMODITIES AND NDPS ACT CASES,
PUDUKOTTAI.
- 2 THE INSPECTOR OF POLICE
RAMANATHAPURAM TOWN POLICE STATION,
RAMANATHAPURAM
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-3336[I] dated 19/03/2024)

ORDER
IN
CRL OP(MD) No.4139 of 2024
Date :15/03/2024

SS/GS/SAR- /21/03/2024/5P/5C

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