



CRL OP(MD).No.5539 of 2024

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

Date : 12.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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Chellapandiyan

... Petitioner / Accused Rank not known

Versus

The Inspector of Police,
Samayanallur Police Station,
Madurai District.
(Crime No.71 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.D.S.Haroon Rasheed, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.71 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.71 of 2024, for the offence under Sections 147,



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148, 294(b), 307, 353 IPC and 25(1)(a) and 7 of Arms Act 1959 and 8(c), 20(b)(ii)(B) of Narcotic Drugs & Psychotropic Substances Act 1985 and 3A(1)(a) TN Open Places (Prevention of Disfigurement) Act, 1959 and 3(1) TN Public Property (Prevention of Damage and Loss) Act 1992, has filed this petition seeking anticipatory bail.

2. The case of the prosecution is that on 23.03.2024, based on a secret information, the respondent Police along with other police officials conducted a search at 12.30 a.m. and found nearly 30 persons assembled together in the night hours with small package of ganja in a plastic bag. On seeing the police officials, they tried to escape from the place of occurrence. However, the respondent Police apprehended A1 to A3. At that time, the other accused persons abused the police officials in filthy language and also tried to assault them with deadly weapons. The accused persons have also set fire on the two-wheeler. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that only based on the confession statement of the co-accused, the petitioner has been implicated in this case and there is no specific overt act attributed as against the petitioner. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent



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Police submits that the petitioner is also one of the members of the gang assembled.

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5. Considering the facts and circumstances of the case and also considering the fact that only based on the confession statement of the co-accused, the petitioner has been implicated in this case, this Court is inclined to grant anticipatory bail to the petitioner.

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 Judge on condition that

(i) the petitioner executes a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judge, Special Court for NDPS cases, Madurai.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioner shall appear before the respondent police as and when required for interrogation. He has to co-operate for the investigation.



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(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
12/04/2024

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/04/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

To

1.The Judge,
Special Court for NDPS Cases,
Madurai.

2.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

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

+1 CC to M/s.D.S.HAROON RASHEED, Advocate (SR-4402[I] dated 15/04/2024)



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ORDER
IN
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Date :12/04/2024

ED/ VR /SAR- (17/04/2024) 5P / 5 C

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