



CRL OP(MD). No.8588 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2024

PRESENT

The Hon'ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.8588 of 2024

Mahesh

... Petitioner/ Accused Rank not known

Vs

The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
(Crime No.399 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.Suresh P.,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.399 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) and 20(b)(ii)(B) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1885 in Cr.No.399 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 2.400 kgs of ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner shall abide any condition imposed by this Court.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner was found in illegal possession of 2,400 kgs ganja and 9 previous cases are pending against the petitioner. However, he fairly conceded that the contraband recovered from the accused is comes under the intermediate quantity.



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5. Considering the facts and circumstances of the case and also considering the facts that the petitioner was found to be in possession of intermediate quantity of ganja, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal Special Court for EC and 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.00 a.m until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(d)the petitioner shall not abscond either during investigation or trial;

(e)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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

229-A IPC.

sd/-

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Sub-Assistant Registrar (CS -I/ II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

SKN

TO

1.The Principal Special Judge for EC and NDPS Act cases, Madurai.

2.The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.

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



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ORDER
IN
CRL OP(MD) No.8588 of 2024
Date :09/07/2024

RK/GS (18/07/2024) 5P / 4C

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