



CRL OP(MD). No.9608 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2024

PRESENT

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

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Suriyaprakash @ Suriya,

... Petitioner/ Accused 3

Vs

The Sub Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District
(Crime No. 33 of 2024).

... Respondent/Complainant

For Petitioner : Mr.J Jeya Aron Raja,
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.33/2024 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner/ A3, who apprehends arrest at the hands of the respondent police for



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the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) 29(1) of the Narcotic Drugs and Psychotropic Substances Act, in Cr.No.33 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 2 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 kgs ganja. However, he fairly conceded that the contraband recovered from the accused is comes under the intermediate quantity and no previous case is pending against the petitioner.

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 and considering the fact that no previous case is pending against the petitioner, 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 his appearance, within a period of fifteen days from the date of receipt of a



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copy of this order, before the learned 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Judge 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 Judge 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;

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

(e) on breach of any of the aforesaid conditions, the learned Judge/ 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;



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

sd/-
09/07/2024

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/07/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN
TO

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

2 THE SUB INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT

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

+1 CC to M/s.J.JEYA ARON RAJA, Advocate (SR-7698[I] dated 10/07/2024)



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ORDER
IN
CRL OP(MD) No.9608 of 2024
Date :09/07/2024

SA/VR/SAR. /19.07.2024/5P/5C

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