



CRL OP(MD). No.10349 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2024

PRESENT

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

CRL OP(MD). No.10349 of 2024

Mahendra Prabu,

... Petitioner/ Accused No.1

Vs

**The Inspector of Police,
Theni NIB Cid Police Station,
Theni,
Crime No.35/2021.**

... Respondent/Complainant

For Petitioner : Mr.S.Sundarapandian,Advocate.

**For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor**

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.35/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 29(1) of NDPS



CRL OP(MD). No.10349 of 2024

Act, 1985, in Cr.No.35 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was in illegal possession of 2.250 Kgs of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner was found in illegal possession of 2.250 Kgs of Ganja and he is having one previous case, similar in nature. The investigation is pending and hence, he strongly opposed for grant of bail.

5.Considering the facts and circumstances of the case and also considering the fact that 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, this Petition is allowed and the petitioner is ordered to be released



CRL OP(MD). No.10349 of 2024

on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Principal 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 10.30 am 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;



CRL OP(MD). No.10349 of 2024

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(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/-
16/07/2024

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

LS
TO

- 1 THE PRINCIPAL EC AND NDPS ACT
CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
THENI NIB CID POLICE STATION, THENI,
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.10349 of 2024

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+1 CC to M/s.S.SUNDARA PANDIAN, Advocate (SR-7993[I] dated 16/07/2024)

ORDER
IN

CRL OP(MD) No.10349 of 2024

Date :16/07/2024

PKP/GS/SAR /29.07.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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