



CRL OP(MD)No.12630 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 05.08.2024

PRESENT

The Hon`ble MR.JUSTICE D.BHARATHA CHAKRAVARTHY
CRL OP(MD)No.12630 of 2024

Manivannan

... Petitioner / Accused No.4

Vs

**The Sub Inspector of Police,
Kombai Police Station,
Theni District.
(Crime No.51 of 2020)**

... Respondent/Complainant

For Petitioner : Mr.J.Jeyaaron Raja, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No.51 of 2020 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) r/w 20(b)(ii)(B) NDPS Act in Cr.No.51 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 06.03.2020, upon receiving information,
<https://www.mhc.tn.gov.in/judis>



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the respondent police conducted a raid at Kombai Chikkatchiamman Kovil. At that time, the accused persons escaped from the place of occurrence. However, the respondent police caught hold the first accused, who was carrying 4 kgs of ganja. Hence, the complaint.

3.The petitioner is A4 in Cr.No.51 of 2020. On 06.03.2020, upon information, 4 kgs of ganja was recovered and A1 was arrested. He has given confession statement, based on which, A2 to A4 were also arrayed and as a matter of fact, even though, the petitioner has not been arrested so far, the investigation was completed and case was filed in C.C.No.118 of 2022.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that after the case was taken on file, A1 to A3 have also absconded and none of them appearing.

5.As far as the petitioner/A4 is concerned, it can be seen that his first anticipatory bail petition was dismissed on 24.03.2020 and his second anticipatory bail petition was dismissed on 06.10.2020. The present application is the third petition for anticipatory bail.

6.The learned counsel for the petitioner would submit that the petitioner/accused is willing to surrender before the trial court and attend the trial without any fault.



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7. Heard the learned counsel on either side and perused the material records of the case.

8. In this case, even though normally this Court does not grant anticipatory bail in cases of this serious nature, especially whenever it involves 4 kilograms of ganja, in this case, inspite of dismissal of anticipatory bail applications from the year 2020, the petitioner is not arrested. The case in CC.No.118 of 2022 is also pending. In view thereof, in the interest of progress of the case in CC.No.118 of 2022, I am inclined to grant anticipatory bail petitioner with certain conditions.

9. Accordingly, this Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of ten days from the date of receipt of a copy of this order, before the Principal Special Court for NDPS Act Cases, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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;



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(b)the petitioner shall report before the respondent police daily at 10.30 am., for a period of four weeks and thereafter, as and when required and shall attend the all the hearings in C.C.No.118 of 2020, without fail;

(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 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/-
05/08/2024

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/ 08 /2024

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

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TO
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1. THE PRINCIPAL SPECIAL COURT FOR NDPS ACT CASES,
MADURAI.

2. THE SUB INSPECTOR OF POLICE
KOMBALAI POLICE STATION, THENI DISTRICT.

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

+1 CC to M/s.J.JEYARONRAJA, Advocate (SR-9461[I] dated 05/08/2024)

ORDER

IN

CRL OP(MD) No.12630 of 2024

Date :05/08/2024

PSP/GS/SAR /16.08.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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