



CRL OP(MD). No.13367 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13367 of 2024

Pavithra,

... Petitioner/ Accused No.11

Vs

**The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Crime No.537 of 2022.**

... Respondent/Complainant

For Petitioner : Mr.G.Karuppasamypandiyan, 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.537 of 2022 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



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police for the offences punishable under Section 8(c) r/w. Sections 20(b), 29(1) and 25 NDPS Act, in Cr.No. 537 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were illegally transported 459.100 Kgs of Ganja. Hence, the complaint.

3. The learned additional Public Prosecutor vehemently objects the grant of anticipatory bail. It is his contention that the case involves commercial quantity of 460 Kgs of Ganja.

4. I have considered the set objections and perused the material records of the case.

5. As rightly pointed out by the learned Additional Public Prosecutor, the case is serious and normally this is not a fit case for grant of anticipatory bail. It can be seen that the petitioner is arrayed as A11. Without apprehending the petitioner, the charge sheet was originally filed. Even after filling of the charge sheet, N.B.W. was issued and it was pending as against the petitioner. The case was split up and the trial went ahead in respect of A1 to A6, A9 and A10. A8 died pending the case. In respect of A7 and A11 to A15, the case is split up. Now, the case is pending a C.C.No. 171 of 2023. It is stated that the five accused are absconding in the case and the case is pending only for the non-apprehension / non-appearance of this petitioner.

Therefore, only considering the progress of case alone, this Court is inclined to



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enlarge the petitioner on anticipatory bail with certain conditions.

6. 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 fifteen days from the date of receipt of a copy of this order, before the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur, 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;

(b)the petitioner shall appear before the trial Court on all hearings 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

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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/-
20/08/2024

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/ 08 /2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE ADDITIONAL DISTRICT JUDGE,
PRESIDING OFFICER, SPECIAL COURT UNDER
ESSENTIAL COMMODITIES ACT, THANJAVUR.

2 THE INSPECTOR OF POLICE
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-10199[I] dated
21/08/2024)

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ORDER
IN
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Date :20/08/2024

PSP/GS/SAR /24.08.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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