



Crl.O.P.(MD)Nos.14197 and 14200 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). Nos.14197 and 14200 of 2024

G.Neethi

... Petitioner/ A5 in
Crl.O.P.(MD)No.14197 of 2024

A.Dilon

... Petitioner/ A4 in
Crl.O.P.(MD)No.14200 of 2024

Vs

The Inspector of Police,
Soorankudi P.S,
Thoothukudi District.
Crime No.142 of 2022.

... Respondent/Complainant
in both petitions

In both petitions:

For Petitioner : M/s.Na.Manimaran,Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS



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COMMON PRAYER :-

To enlarge the petitioners on bail in the event of their arrest by the respondent police for the Petitioners/ Accused No.4 & 5 in Crime No.142/2022 in CC No.96/2024 on the file of the learned Special Principal District and Session Judge for EC and NDPS Court, Madurai.

COMMON ORDER : The Court made the following order :-

The petitioners/A4 and A5 who are facing trial for the offences punishable under Sections 8(c) r/w 20(b), (ii)(c), 25 and 29(i) of NDPS Act in C.C.No.96 of 2024 on the file of the learned Special Principal District and Session Judge for EC and NDPS Court, Madurai in Crime No.142 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the respondent police intercepted the petitioners and other accused, recovered 540kgs of Ganja.

3.Heard. Perused the materials available on record including the First Information Report.

4.This is a case under the NDPS Act involving commercial quantity. The allegation is that in an abandoned vehicle, the respondent police seized 540kgs of ganja. Therefore, in the normal circumstances, this Court will not enlarge any person on anticipatory bail and would require custodial interrogation. But however, in this case, it seems that upon arrest of one particular accused, based on his confession,



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totally 20 persons were arrayed as accused. Many of them were not even apprehended and a charge sheet was filed and the same is taken on file as C.C.No.991 of 2023. Thereafter also, many of the accused were not apprehended, which included the petitioners herein and therefore, the case was split up, in respect of the accused, who were appearing before the trial court. The Trial is proceeded on and 11 accused were acquitted of the charges by a judgement dated 30.07.2024. Even thereafter, the split up case in C.C.No.96 of 2024 is still pending. It is stated that some of the accused in the said case are still absconding. Till date, nobody is apprehended by the respondent police also. At this stage, the petitioners are coming forward to appear before the Court below on all hearings. Only considering the progress of the criminal case and considering the various findings which are granted in the judgment of the Special Court in earlier C.C.No.991 of 2023, I am inclined to enlarge the petitioners on anticipatory bail with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Principal District and Sessions Judge for EC and NDPS Act Cases, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police



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officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the trial Court on all hearing dates without fail.

[c] Since the other accused have to be apprehended, the petitioners shall also report before the respondent police daily at 10.30 p.m., for a period of two weeks and thereafter, as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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



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[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/08/2024

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/09 /2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE SPECIAL PRINCIPAL DISTRICT AND SESSIONS JUDGE,
FOR EC AND NDPS ACT CASES,
MADURAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE
SOORANKUDI P.S,
THOOTHUKUDI DISTRICT.

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

ORDER
IN

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PSP/ SG /SAR /12.09.2024/ 6P/ 5C

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