



CRL OP(MD). No.17895 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17895 of 2024

Vishwa

... Petitioner/ Accused No.3

Vs

State of Tamil Nadu
represented by
The Inspector of Police,
Sindupatty Police Station,
Madurai District.
(Crime No.237 of 2022)

... Respondent/ Complainant

For Petitioner : M/S.M.Lavanya
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.237 of 2022 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/ A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w 20(b) (ii)(B), 25, 29(1) of NDPS Act, in Crime No.237 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the co-accused were found in illegal possession of 1.500 kgs of ganja. Hence, the case was registered.

3. The learned counsel for the petitioner would submit that the petitioner/ A3 is an innocent person and he has been implicated in this case and he is no way connected with the offence. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.sdie) appearing for the State would submit that the petitioner is having four previous cases.



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5. Considering the nature of the allegation in this case that 1.500 kgms of ganja is recovered from the first accused and that he is said to have confessed that he has procured the ganja from this petitioner being the accused No.3 and the fact that the arrested accused is also released on bail and the charge sheet is now made ready and filed through E-filing and is yet to be taken on file and even in the said charge sheet, except the confession of A1, there is no other additional material to point out that this petitioner has only supplied the ganja and considering the fact that the petitioner was neither apprehended during investigation, I am inclined to enlarge the petitioner on anticipatory bail.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, on executing 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 learned Principal Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai and on further conditions that:

(i) the sureties shall affix his photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of his Aadhar card or Bank Pass Book to ensure his identity;



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(ii)the petitioner shall report before the respondent Police, daily at 10.30 am for a period of three weeks and thereafter as and when required for interrogation and the petitioner also to attend the hearing of the case without fail. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)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].

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

sd/-

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

NS



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TO
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- 1 THE PRINCIPAL SPECIAL JUDGE
FOR NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE,
SINDUPATTY POLICE STATION
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.17895 of 2024

Date :19/10/2024

SS/MMS/SAR- /29/10/2024/ 5P/4C

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