



CRL OP(MD). No.18630 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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Thamban @ Assault Thamban,

... Petitioner/4th Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli District
Crime No.713/2023.

... Respondent/Complainant

For Petitioner : M/s. Siva Tharshana.K,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

To enlarge the petitioner on anticipatory bail in C.C.No.302 of 2024 on the file of the learned Principal Special Court for EC and NDPS Act Cases, Madurai in Crime No.713 of 2023 on the file of the respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/A4, who is an accused in C.C.No.302 of 2024 on the file of the learned Principal Special Court for EC and NDPS Act Cases, Madurai, has filed this application seeking anticipatory bail. The said case was registered for the offence under Sections 8(c) and 20(b)(ii)(B), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.713 of 2023 on the file of the respondent police.

2.The case of the prosecution is that the respondent police intercepted the first accused and recovered 6kgs of Ganja. Based on his confession, the petitioner has been implicated in this case.

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

4.Considering the nature of allegations in this case that eventhough the petitioner is also said to have ran away from the scene of occurrence and 6 kilograms of Ganja is recovered, and considering the fact that the investigation is also complete and the charge sheet is also filed and is taken on file as C.C.No.302 of 2024 by showing the petitioner as an absconding accused, only considering the progress of the case, I am inclined to enlarge the petitioner on anticipatory bail, with certain conditions:

5.Accordingly, the petitioner is ordered to be released on bail in the event of arrest

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or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.IV, Tirunelveli, 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 the police 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 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 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] Further, the petitioner shall appear before the trial Court on all hearing dates without fail.

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

[e] the petitioner 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 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].

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

sd/-
28/10/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO
1 THE JUDICIAL MAGISTRATE NO.IV,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI DISTRICT

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

COPY TO:
THE PRINCIPAL SPECIAL JUDGE
FOR EC AND NDPS ACT CASES,
MADURAI.

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ORDER
IN
CRL OP(MD) No.18630 of 2024
Date :28/10/2024

SA/SAR. /11.11.2024/5P/6C

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