



CRL OP(MD). No.19679 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.19679 of 2024

Muthukrishnan

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep. by the Sub Inspector of Police,
Krishnan Kovil Police Station,
Virudhunagar District.
(Crime No. 208 of 2024.)

... Respondent/ Complainant

For Petitioner : M/s. Jagadeeshwaran. R, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.208 of 2024 on the file of the Respondent police.



CRL OP(MD). No.19679 of 2024

ORDER: The Court made the following order :-

WEB COPY

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 8(c), 20(b)(ii)(B) and 25 of NDPS Act in Crime No.208 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with his brother were found in possession of 2.700 Kg of Ganja and when the bike in which they were travelling was intercepted, the petitioner escaped from the scene of occurrence and the petitioner is arrayed as A2 and the brother of the petitioner was apprehended and the Ganja was seized. On the very same day, the petitioner is said to have committed another offence along with another accused person wherein they were travelling in an Omni car at about 02.00 pm with 153 Kg of banned Tobacco products. On seeing the respondent police, the accused persons fled away and A2 was apprehended and the petitioner, who was A1, escaped. The entire Tobacco products were also seized. For this occurrence, an FIR in Crime No.209 of 2024 came to be registered.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are five previous cases pending against the petitioner, out of which, three cases pertain to possession of banned Tobacco products, one case pertains to NDPS offence and the other case pertains to a case of abduction. He



CRL OP(MD). No.19679 of 2024

WEB COPY

further submitted that the petitioner had managed to escape from the scene of occurrence in two cases and therefore, he vehemently opposed the grant of anticipatory bail to the petitioner. He further submitted that in both the cases, the petitioner has been arrayed as an accused mainly by virtue of the confession of the co-accused.

4. The learned counsel appearing for the petitioner submitted that on the very same day, two FIRs were registered in Crime No.208 and 209 of 2024 by the same respondent police for an alleged incident that took place at 06.30 hrs and 14.00 hrs. In both cases, the petitioner was falsely roped in as accused based on confession.

5. Taking into consideration the facts and circumstances of the case and the manner, in which, the petitioner has been roped in as an accused based on the confession of the co-accused and in both cases, the petitioner alone had escaped and the other accused was apprehended and the contraband/tobacco products having been seized, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is ordered and the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputhur, Viruthunagar District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees



CRL OP(MD). No.19679 of 2024

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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] 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.

[c] the petitioner shall report before the learned Judicial Magistrate No.II, Srivilliputhur, Viruthunagar District daily at 10.30 a.m until further orders.

[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 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;



CRL OP(MD). No.19679 of 2024

[g] if the accused thereafter absconds, a fresh FIR can be registered under
Section 269 of BNS 2023.

sd/-
21/11/2024

/ TRUE COPY /

/12/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

To

- 1.The Judicial Magistrate No.II,
Srivilliputhur,
Virudhunagar District.
- 2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
- 3.The Sub Inspector of Police,
Krishnan Kovil Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.19679 of 2024
Date :21/11/2024



CRL OP(MD). No.19679 of 2024

ED/ SKN /SAR- (16/12/2024) 6P / 5C

WEB COPY

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