



CRL OP(MD). No.20773 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH
CRL OP(MD). No.20773 of 2024

Selvam @ Selvaraj

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
(Crime No.499 of 2024.)

... Respondent/Complainant

For Petitioner : Mr.S.M.Mohan Gandhi, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime no.499 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 4(1)(a), 4(1)(i), 8(c), 20(b)(ii)(B) NDPS Act r/w 77 of JJ Act in Crime No.499 of 2024 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that during vehicle checking done by the respondent Police, A1 was found in illegal possession of 135 grams of Ganja. A1 was arrested and Ganja was also seized. The petitioner has been arrayed as A2, on the ground that he was the one who supplied Ganja to A1.

3. The learned Additional Public Prosecutor submitted that the petitioner is having 25 previous cases against him. One case is under NDPS Act, 9 cases are under the TNP Act and all other remaining cases are under IPC. The learned Additional Public Prosecutor further submitted that the petitioner is repeatedly involved in committing crime and in the instant case, he was the one who supplied Ganja. Therefore, he vehemently opposed the grant of anticipatory bail to the petitioner.

4. Per contra, the learned counsel for the petitioner submitted that a false case has been foisted against the petitioner, since there are some previous cases against the petitioner. Entire recovery has been made from A1, who was already enlarged on bail.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

6. Taking into consideration of the facts and circumstances of the case and considering the quantity of contraband involved in this case and the fact that



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the petitioner has been roped in the case based on the confession of co-accused and taking note of the previous cases against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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.III, 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 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 respondent police on



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every Monday and Friday at 05.30p.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;

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

sd/-
28/11/2024

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/12/2024
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 Judicial Magistrate No.III,
Tirunelveli.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.M.MOHAN GANDHI, Advocate (SR-14640[I] dated 28/11/2024)

ORDER

IN

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Date :28/11/2024

ED/ VR /SAR- (13/12/2024) 5P / 6C

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