



CRL OP(MD) No.23224 of 2023

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

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23224 of 2023

P.KANIYARAJAN

... Petitioner / Accused No.2

Vs

THE INSPECTOR OF POLICE
SEITHUR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.125/2023)

... Respondent / Complainant

For Petitioner : M/s.D.Rajaboopathy, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.125 OF 2023 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 Sections 8(C), 20(b)(ii)(B) and 25 of NDPS Act and



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Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in
Cr.No.125 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is arrayed as A-2 and on 16.10.2023, on secret information, the respondent police caught the petitioner and other accused and recovered 2 kgs of Ganja from them and hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He would further submit that no recovery was made from the petitioner herein and the recovery was made only from A-1 and hence, prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner and A-1 were found in possession of 2 kgs of Ganja along and that there are no previous cases as against the petitioner.

5.Considering the facts and circumstances of the case and considering the fact that there are no previous cases against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on 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, Rajapalayam,



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Virudhunagar District, 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 daily at 10.30 a.m. until further orders;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(h)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.

RR

To

1.The Judicial Magistrate,
Rajapalayam,
Virudhunagar District.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District.

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

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-111[I] dated 04/01/2024)



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ORDER

IN

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Date :03/01/2024

ED/ VR /SAR- (10/01/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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