



CRL OP(MD). No.22318 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Alex

... Petitioner/2nd Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
Cr No.240/2024.

... Respondent/Complainant

For Petitioner : Mr.Abudukumar Rajarathiranam, Advocate
For Mr.V.Johnson Yuvaraj, 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.240/2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 20(b)(ii)(B) and 8(c) of NDPS Act in Crime No.240 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 12.12.2024, based on secret information, the respondent police found A1 and A2 standing with a polythene cover and when the police approached, the petitioner (A2) escaped from the place and A1 was caught hold and on search, they seized 2.25 Kg of Ganja. There are totally two accused persons in this case and the petitioner has been arrayed as A2.

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

4. In the considered view of this Court, there is a pattern in registering cases against the petitioner and his father and particularly by booking them under the NDPS Act. Even on an earlier occasion, an FIR came to be registered in Crime No.121 of 2023 before the Royapuram Police Station, Chennai, wherein, it was alleged that the accused persons were found in possession of 500 grams of Methamphetamine. In that case, the petitioner and his father were arrayed as A3 and A4. They were arrested in that case and the bail petition came up for hearing in Crl.O.P(MD)

No.14303 of 2023. This Court discussed in detail as to how the petitioner and his

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father were falsely implicated in that case. Accordingly, both the petitioner and his father were enlarged on bail.

5.The proceedings was also challenged by the petitioner and his father in Crl.O.P(MD)No.21584 of 2023 and this Court on considering the facts of the case directed the police not to file a final report in that case.

6.It is seen that the petitioner is the Panchayat Union Counsellor and his father is a Panchayat President and both of them are not affiliated to any political party and they are independent candidates. It is also seen that they are regularly engaged in conducting protest whenever such an occasion arises against the Government.

7.The learned Additional Public Prosecutor appearing for the respondent police submitted that there are seven previous cases against the petitioner, out of which, one case pertains to the offence under the NDPS Act.

8. Taking into consideration the facts and circumstances of the case and considering the manner, in which, the prosecution has projected this case and taking note of a pattern that has set in registering cases against the petitioner and his father just because they are independent candidates, 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



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of a copy of this order, before the learned Additional District Judge, Special Court under EC Act Cases, Thanjavur 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 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 as and when required for interrogation.

[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



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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;

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

sd/-
17/12/2024

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

LR
TO

1 THE ADDITIONAL DISTRICT JUDGE,
SPECIAL COURT UNDER EC ACT CASES,
THANJAVUR DISTRICT.

2 THE INSPECTOR OF POLICE,
KEELAIYUR POLICE STATION,
NAGAPATTINAM DISTRICT.

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

+3 CC to M/s.V.JOHNSON YUVARAJ, Advocate (SR-15522[I] dated 17/12/2024)

ORDER IN
CRL OP(MD) No.22318 of 2024
Date :17/12/2024

SA/GSV/SAR. /26.12.2024/5P/7C

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