



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

Thursday, the Thirtieth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.6748 of 2019

SATHISH

...PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
Crime No.64 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.MUNIYANDI Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

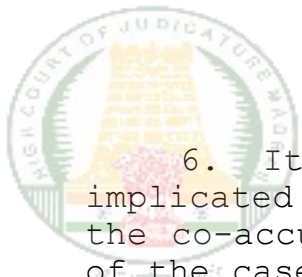
The petitioner, who is arrayed as accused No.2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(B) of NDPS Act, in Crime No.64 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused are alleged to have illegally possessed 12.400 kgs ganja.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. The learned counsel for the petitioner would further submit that based on the confession statement given by the co-accused, the petitioner has been falsely implicated in this case and no contraband has been recovered from the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that no previous case is pending against the petitioner.

5.The submissions made by the learned counsel appearing on either side are considered.



6. It is an admitted fact that the petitioner has been implicated in this case, based on the confession statement given by the co-accused. Now, considering the other facts and circumstances of the case, particularly on considering the fact that no contraband has been recovered from the petitioner and no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioner.

7. 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 Principal Special Court for EC&NDPS Act cases, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(I) the petitioner as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

(ii) the petitioner shall appear before the respondent Police Station daily 10.00 a.m., until further orders.

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

(iv) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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]**.

sd/-
30/05/2019

/ TRUE COPY /



TO

1. THE PRINCIPAL SPECIAL COURT
FOR EC AND NDPS ACT CASES, MADURAI

2. THE SUB-INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to Mr.S.MUNIYANDI Advocate SR.No.8921

ORDER

IN

CRL OP (MD) No.6748 of 2019

Date : 30/05/2019

TK/JC/SAR-4/04.06.2019/3P/5C