

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 15507 of 2020

Mahendran

... Petitioner

Vs.

State by
Inspector of Police,
JRS Puram (Kadambur) Police Station,
Erode District.
(Crime No.184 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.184 of 2020, on the file of the respondent.

For Petitioner : Mr.J.Ranjithkumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(a)(i) and 20(b)(ii)(B), of N.D.P.S. Act, 1985 seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, Napolian, Inspector of Police, is that on the secret information, he was having a watch on 19.09.2020, on suspicion, they have intercepted one Nagappan and Erannan and during enquiry, they have confessed that they have cultivated ganja along with the petitioner herein and the same weighs around 2 kg. The defacto complainant had gone to the field, where they have found that the petitioner along with other accused have cultivated ganja. Hence, the present complaint.

3. The learned counsel appearing for petitioner would submit that the petitioner was an innocent person and he has been falsely implicated in this case. He would submit that A1 in this case was arrested and released on bail. He would submit that the petitioner has been implicated only on the confession statement of the arrested

accused. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently opposed stating that the petitioner along with other accused have cultivated ganja in their field. He would submit that A1 has been arrested and he was released on bail due to the Covid and the second accused is still in custody. During investigation it was found that cultivation of ganja was done in the land belonging to the petitioner by A1 and A2 and the petitioner is also aware of the same. Hence, he has opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances and the submissions made by the learned counsels and the ganja was cultivated in the land belong to the petitioner by A1 and A2 and the petitioner is also aware of the same, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition stand dismissed.

-sd/-

09/10/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, GOBICHETTIPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
JRS PURAM (KADAMBUR) POLICE STATION,
ERODE DISTRICT.

CC to M/S.J.RANJITHKUMAR Advocate on payment of necessary charges

CRL OP.15507/2020

Date :09/10/2020