

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.16979 of 2020

Madhan Kumar

... Petitioner/Accused

Vs.

State rep. By

The Inspector of Police,
Sipcot Gummudipoondi Police Station,
Thiruvallur District,
Crime No.1759 of 2020.

... Respondent/Complainant

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner/Accused on bail in the event of his arrest or surrender in connection with Crime No.1759 of 2020, pending investigation on the file of respondent Police.

For Petitioner : Mr.D.Gopi Krishnan,
for Mr.M.Kaveri Selvam

For Respondent : Ms.T.P.Savitha
Government Advocate

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 alleged offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.1759 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. According to the FIR, on 03.09.2020, the SIPCOT Police who were in surveillance have intercepted a two-wheeler bearing Registration No.TN-05-BR-4573. The rider and pillion rider tried to flee from the scene. They were caught and interrogated. From the information given by them, the police has come to know that the contraband of 1.5 kg of Ganja was supplied to them by one Madhan, S/o.Mohan and Sharukhan, S/o.Kumananathan of Kayalarmedu Colony. They have purchased it from Andhra Pradesh and distributing it through persons like the ones who were apprehended by the police. After remanding the two persons, namely, Parthiban and Praveenkumar, who were carrying the contraband, during the further course of

investigation, they have arrested Sharukhan also, who is one of the named supplier. This petitioner who is still absconding has approached this Court for Anticipatory Bail.

3.The petitioner would submit that he is innocent and he has nothing to do with the trafficking of Ganja. Learned Government Advocate would also submit that there is no bad antecedent in respect of the petitioner except a case under Section 307 IPC.

4.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days, before the learned Judicial Magistrate, Gummudipoondi, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or to the satisfaction of the learned Magistrate concerned, as the case may be.

[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 stay at Thiruvallur and report before the Inspector of Police, Sipcot Gummudipoondi Police Station, Thiruvallur District, daily at 10.30 a.m. for 15 days for completion of investigation.

[d] the petitioner shall not tamper the evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On failure to comply the condition or 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

-sd/-
22/10/2020

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,
GUMMUDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SIPCOT GUMMUDIPOONDI POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S. M.KAVERI SELVAM Advocate on payment of necessary charges SR.No.7061

CRL OP.16979/2020

Date :22/10/2020

cs 28/10/2020

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