

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19103 of 2020

Prakash

... Petitioner

Versus

The State of Tamil Nadu,
through the,
Inspector of Police,
Appakoodal Police Station,
Erode District.
(Crime No.157 of 2020)

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge petitioner on bail in the event of his arrest in connection with Crime No.157 of 2020, pending on the file of the respondent police.

For Petitioner : Mr.S.Deepan Uday

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 for the alleged offences under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, in Crime No.157 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on secret information, the respondent police intercepted the petitioner and he dropped the bike and contraband and escaped from the place of occurrence and 1.300 Kgs of Ganja was found in the bike. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that he has not committed any offence as alleged by the prosecution. He would further submit that earlier he has filed an application for anticipatory bail in Crl.O.P.No.16469 of 2020 which was dismissed by this court vide order dated 16.10.2020. He would further submit that the petitioner is prepared to appear regularly before the respondent and cooperate for the investigation. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the earlier application for anticipatory bail filed by the petitioner in Crl.O.P.No.16469 of 2020 was dismissed by this court vide order dated 16.10.2020 and there is no change of circumstances. He would further submit that when the petitioner was intercepted by the respondent, he dropped his bike and the contraband and ran away from the scene of occurrence. On search, it was found that 1.200 Kgs of Ganja sealed in the two wheeler bearing registration No.TN 93 A 7183 belonging to the petitioner. He would further submit that it is from the reliable source, the respondent police has found that the petitioner has been continuously involving in similar offence and dealing with Ganja regularly. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration of the facts and submissions made by the learned counsels and also the fact that the petitioner is alleged to have been involved in similar nature of offence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

-sd/-

08/12/2020

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, BHAVANI, ERODE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
APPAKODAL POLICE STATION,
ERODE DISTRICT.

CC to M/S S.DEEPAN UDAY Advocate on payment of necessary charges

CRL OP.19103/2020

Date :08/12/2020

RVR 07/01/2021