

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.75 of 2021

Vellingiri Anadhan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Udumalaipet Police Station,
Udumalaipet
Tiruppur District.
(Crime No.63 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.63 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. W.Camyles Gandhi

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 08.12.2020 for the offence punishable under Section 328 of IPC & 8(c) and 20(b) (ii) (A) NDPS Act in Crime No.63 of 2020, seeks bail.

2. There are totally six accused in this case and the petitioner is A6. The case of the prosecution is that A1 to A4 were found in possession of Ganja and also prohibited drugs. Based on the information, they were arrested and on the confession, it came to light that the petitioner is running a pharmacy shop, selling schedule tablets without any prescription to the other accused. Hence, he was arrested on 08.12.2020. The petitioner's son who was arrayed as A5 in this case has already been arrested and enlarged on bail.

3. The learned counsel for the petitioner would submit that the petitioner is only a pharmacy owner and that the allegation against the petitioner is that he sold schedule tablets without any prescription. He would further submit that the main

accused A5 has already been arrested and enlarged on bail. He would further submit that the petitioner is in judicial custody since 08.12.2020. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor opposed this bail application stating that the petitioner is running a pharmacy shop and he sold schedule tablets used by the other accused without any prescription. Based on the direction issued by this Court, the petitioner has been arrested.

5. The allegation against the petitioner is that he only sold schedule tablets without any prescription. The co-accused has already been arrested and enlarged on bail.

6. Considering the above facts and circumstances and taking note of the fact that the petitioner is in judicial custody since 08.12.2020 and also the co-accused has been enlarged on bail, this Court is inclined to grant bail to the petitioner in subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate No.I, Udumalpet, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall report before the respondent police daily at 10.30 a.m until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
19/01/2021

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, UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UDUMALAIPET POLICE STATION,
UDUMALAIPET, TIRUPPUR DISTRICT.

5 THE OFFICER INCHARGE,
THE DISTRICT JAIL, TIRUPPUR.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of
necessary charges SR NO. 482

CRL OP.75/2021

Date :19/01/2021

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