

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon'ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.3815 of 2021

T.P.GANESAN

[PETITIONER / ACCUSED]

Vs

STATE BY [RESPONDENT]
INSPECTOR OF POLICE,
P5-MKB NAGAR POLICE STATION,
PULIANTHOPE, CHENNAI. CR.NO.83/2021.

For Petitioner : M/S.I.ABRAR MD ABDULLAH Advocate

For Respondent : MR. KARTHIKA KAMAL, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 8 (c) and 20 (b) (ii) (C) of Narcotic Drugs and Psychotropic Substances Act 1985 in Cr.No.83 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the law enforcing agency seized 30 Kgs. of Ganja from A1. Based on the confession given by A1, this petitioner was implicated in the case. The petitioner is arrayed as the fourth accused in the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case and that there is no previous case as against the petitioner.

4.The learned Government Advocate submitted that there is one previous case in Cr.No.256 of 2013 pending as against the petitioner.

5.Considering the fact that initially the petitioner was not arrayed as accused in the case and was subsequently arrayed as accused based on the confession of A1 and the fact that the contraband was not seized from the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 learned Principal District Judge, Special Court for Essential Commodity Act and NDPS Cases, Chennai, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

(e) on 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 petitioners 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]; and;

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

सत्यमेव जयते -sd/-
15/04/2021

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 PRINCIPAL DISTRICT JUDGE,
SPECIAL COURT FOR ESSENTIAL COMMODITY ACT
AND NDPS CASES, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

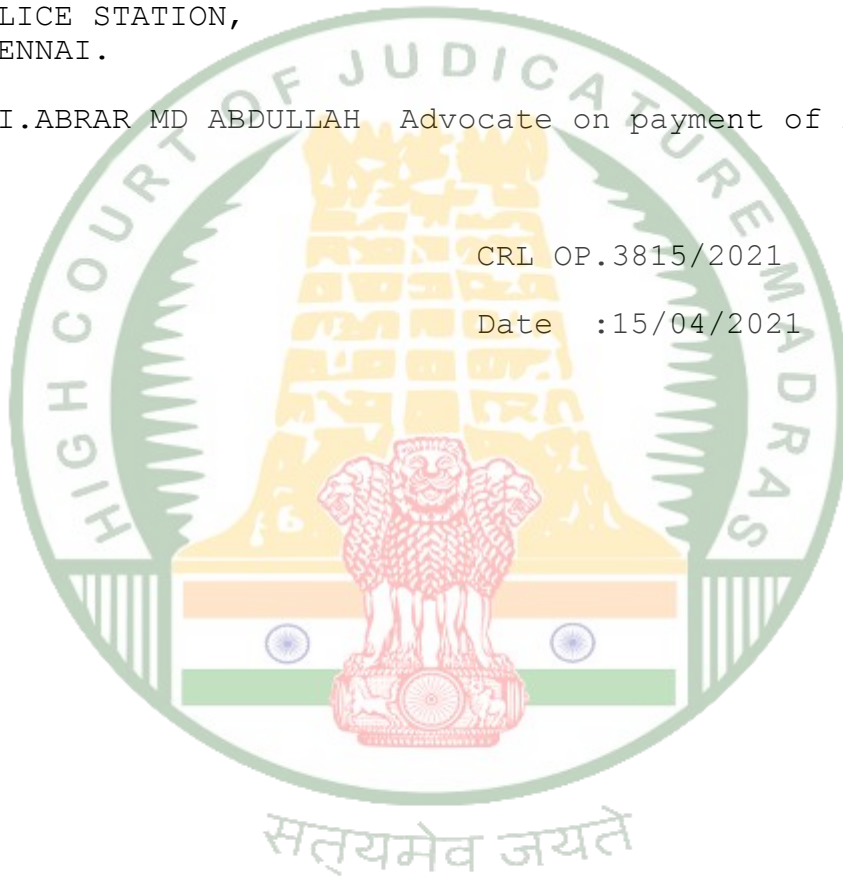
3 INSPECTOR OF POLICE,
P5-MKB NAGAR POLICE STATION,
PULIANTHOPE, CHENNAI.

CC to M/S.I.ABRAR MD ABDULLAH Advocate on payment of necessary
charges Sr.4756

CRL OP.3815/2021

Date :15/04/2021

rvr
19/04/2021



WEB COPY