IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fifth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4084 of 2021

NAVIN KENNEDY [PETITIONER / ACCUSED]

Vs

THE ASSISTANT COMMISSIONER OF CUSTOMS [RESPONDENT]
(R & I AIR), 3RD FLOOR,
NEW CUSTOM HOUSE, MEENAMBAKKAM,
CHENNAI - 600 027.
(OS NO.102/2020 PAD /NT AIR)

For Petitioner : M/S. W.CAMYLES GANDHI Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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 offences under Sections 8(c) r/w. 20(b)(ii)(B) NDPS Act, in OS No.102/2020 PAD/NT AIR, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has received a postal parcel containing 12 grams of Ganja, which was seized by the respondent police. Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner has received a postal parcel containing of 12 grams of Ganja, which was seized by the respondent police. He would further submit that there is no previous case pending as against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the contraband was of minimum quantity and there is no previous case pending as against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Alandur, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the respondent police as and when required for interrogation.

[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 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].

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

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

-sd/-
05/03/2021

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

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

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TO

1 THE JUDICIAL MAGISTRATE,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE ASSISTANT COMMISSIONER OF CUSTOMS (R & I AIR),
3RD FLOOR, NEW CUSTOM HOUSE,
MEENAMBAKKAM, CHENNAI - 600 027.

+1CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR NO.2890

CRL OP.4084/2021

Date :05/03/2021

MK:12/03/2021

सत्यमेव जयते

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