

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5118 of 2021

CAPTAIN PRABHAKARAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY ITS

[RESPONDENT]

INSPECTOR OF POLICE,

THIRUTTANI POLICE STATION,

THIRUVALLUR DISTRICT.

CRIME NO.123 OF 2021.

For Petitioner : M/S.G.P.SIVAKUMAR 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 case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 506 (ii) of IPC r/w 8(C), 20(b), (ii), (A) of NDPS Act, 1985, in Crime No.123 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons are said to have purchased ganja and have consumed the same and thereafter, quarreled with the defacto complainant and after seeing the respondent police, the petitioner and other accused escaped from the spot. A1 was arrested, based on the confession of A1, he was implicated in this case.

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. He would further submit that 50 grams of Ganja have been recovered from him. He would further submit that based on the confession of co-accused, he was implicated in this case. He would further submit that co-accused/A1 has already been arrested and thereafter was released on bail, hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is arrayed as A3 and that the accused have purchased ganja and have consumed the same, after seeing the respondent police, the petitioner and others accused absconded from the spot. A1 was arrested and 50 grams of Ganja was recovered from him and on his confession, the petitioner has been implicated.

5. Considering the facts and circumstances of the case, that no recovery was made from the petitioner and based on the confession of co-accused/A1, he was implicated in this case, now co-accused had already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate, Thiruttani, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
24/03/2021

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,
THIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTTANI POLICE STATION,
THIRUVALLUR DISTRICT.

+1CC to M/S.G.P.SIVAKUMAR Advocate on payment of necessary charges SR NO.3975

CRL OP.5118/2021

Date :24/03/2021

MK:01/04/2021