

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6183 of 2021

1 DEVARAJ
2 VENKATESAN

[PETITIONERS / ACCUSED]

Vs

STATE OF TAMILNADU REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VEPPANAPALLI PS,
KRISHNAGIRI DISTRICT.
CR.NO.27/2021.

For Petitioner : M/S.D.MARIO JOHNSON Advocate

For Respondent : M/S.K.PRABAKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 8(c), 20(b)(ii)(B) of NDPS Act, 1985 in Cr.No.27 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the law enforcing agency conducted intense vehicle searching in the border of Karnataka State and on seeing them, unknown persons who came in a two wheeler dropped the bags on the road and escaped from the scene of occurrence. When the bags were searched nearly 15 Kgs. of Ganja was found. Thereafter on enquiry they implicated the petitioners. The petitioners are arrayed as A1 and A2 in the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor submitted that there is one previous case pending against A1 and no previous case is pending against A2.

5. Considering the fact that one previous case is pending against A1, this Court is not inclined to grant anticipatory bail to A1/ first petitioner. Hence, this criminal original petition is dismissed as against the first petitioner.

6. Considering the fact that there is no previous case pending against A2, this Court is inclined to grant anticipatory bail to A2/ petitioner 2.

7. Accordingly, petitioner 2 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 Special Court for NDPS Act Cases at Salem, 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 2 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 2 shall report before the respondent police daily at 10.30 a.m. until further orders;

(c) the petitioner 2 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 2 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]; and;

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

-sd/-
09/04/2021

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 SPECIAL COURT FOR
NDPS ACT CASES AT SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VEPPANAPALLI PS,
KRISHNAGIRI DISTRICT.

+1 CC to M/S.D.MARIO JOHNSON Advocate on payment of necessary charges SR.No.4638

CRL OP.6183/2021

cs 16/04/2021

Date :09/04/2021

WEB COPY