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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9185 of 2021

A.Nehru @ Prem

... Petitioner

Vs.

The State of Tamil Nadu  
Represented by the Inspector of Police,  
Anchetty Police Station,  
Krishnagiri.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to grant anticipatory bail in Crime No.85 of 2020 in the event of the apprehension of arrest at the hands of the respondent police.

For Petitioner : Mr.U.Manogar

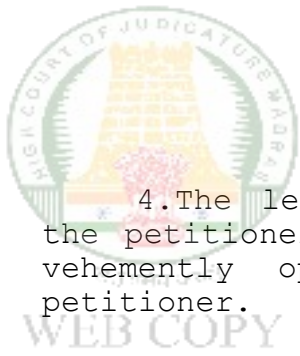
For Respondent : Mr.C.E.Pratap  
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substance Act in Crime No.85 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police was on regular checkup they found that the petitioner was in possession of 350 gms of ganja. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that the petitioner was in possession of 350 gms of ganja. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the said facts and circumstances of the case that only contraband seized was small quantity and further there being no previous cast against 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 Judicial Magistrate Court, Denkanikottai, Krishnagiri District, 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 for a period of two weeks and thereafter as and when required for interrogation.

© 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.

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-sd/-  
21/06/2021

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 COURT,  
DENKANIKOTTAI, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
ANCHETTY POLICE STATION,  
KRISHNAGIRI

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S U.MANOJAR Advocate on payment of necessary charges

CRL OP.9185/2021

Date :21/06/2021

MK:26/07/2021