



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12178 of 2021

Nishandhan

... Petitioner

Vs.

The State Represented by :-
Inspector of Police,
Malliyakarai Police Station,
Salem District.
(Crime No.125 of of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.125 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.P.Anbalagan

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

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 8(c) read with 20(b)(ii)(c) of NDPS Act in Cr.No.125 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 950 grams of Ganja and the same was seized by the respondent Police.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and further that he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that there is no previous case of pending against the petitioner.

5. Considering the facts that the recovered contraband is not a commercial quantity and there is no previous case pending 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for EC Cases & NDPS Cases, 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 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 petitioners 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/-
15/07/2021

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 EC CASES & NDPS CASES,
SALEM.

2 THE INSPECTOR OF POLICE,
MALLIYAKARAI POLICE STATION,
SALEM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.P.ANABALGAN Advocate on payment of necessary
charges SR NO.7557

CRL OP.12178/2021

Date :15/07/2021

MK:29/07/2021