



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice TV. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.14589 of 2021

ABDULLAH @ ABDUL RAZAK

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
D-1, CHENGALPATTU TOWN POLICE STATION,
CHENGALPATTU.
(CR NO.165/2021)

[RESPONDENT]

For Petitioner : M/S.PARAMASIVADOSS for M/S.K.MOHAN RAJ Advocate

For Respondent : MR.L.BASKARAN, Govt. Advocate (Crl. Side)

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 punishable under Sections 8 (c) & 20 (b)(ii)(B) of NDPS Act in Crime No.165 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner and other accused persons were found in possession of 1.200 Kgs of Ganja illegally. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that co-accused A1, A2 and A4 were arrested and released on bail. He would also submit that his wife has given birth to a male child and apprehending arrest owing to this case, he has not seen his child yet. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner and other accused persons were found in possession of 1.200 Kgs of Ganja illegally. He further submitted that the petitioner is arrayed as A3 and he is history sheeter from the year 2018 and having 7 previous cases of similar nature which are all right for trial. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.



5. Admittedly, in an earlier case against this petitioner, investigation was completed and charge sheet was also filed and considering that other co-accused was also released on bail, as well as the wife of this accused gave birth to a baby boy, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Registered Advocate Clerk Association, Chengalpet, within a period of two weeks from the date of receipt of a copy of this order and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Chengalpet, 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 deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of Registered Advocate Clerk Association, Chengalpet, and shall produce the said receipt before the Court below.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].



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

WEB COPY

-sd/-

15/09/2021

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-NO.I,
CHENGALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
D-1, CHENGALPATTU TOWN POLICE STATION,
CHENGALPATTU.

4 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
CHENGALPET.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.MOHAN RAJ Advocate on payment of necessary
charges SR.NO.10167

CRL OP.14589/2021

Date :15/09/2021

CSK 24/09/2021