

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.19908 of 2020

M.A.Emmanuel Raj @ Andrews

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
NIB-CID,
Coimbatore.
(Crime No.16 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.16 of 2020 pending on the file of the respondent.

For Petitioner : Ms.R.Poornima

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are 4 accused and the petitioner is arrayed as A4. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B), 22(b), 25, 27(A) and 29(a) of NDPS Act in Crime No.16 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, all the accused found in possession of 0.8 grams of LSD Tablet and 1.500 kgs. of ganja. Hence, a criminal case was registered against the petitioner. Now, it is stated that A1 to A3 were arrested and released on bail.

3. The learned counsel appearing for petitioner would submit that totally, there are four accused. Even as per the F.I.R., only A1 to A3 were found in possession of contrabands. She would submit that nothing was recovered from the petitioner, he is an innocent person, and he is no way connected with the alleged offence made out in the complaint. She would also submit that he has been falsely implicated in the complaint. Therefore, she prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that all the four accused travelled in a car, in which all the accused found in possession of contrabands and after seeing the police, the petitioner and other accused have escaped from the scene of occurrence. He would submit that only two accused were arrested and based on the confession statement of A1, the petitioner was implicated in this case. Now, the other arrested accused were released on bail. Hence, he opposed to grant anticipatory bail.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the recovery of contrabands was made only from A1 and A2, and based on the confession of A1, the petitioner was implicated and also considering the fact the other arrested accused were released on bail, and the investigation is also almost completed, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 Additional District and Special Judge EC & NDPS Act, Coimbatore on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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;

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m. for the period of two weeks;

[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 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];

[g] 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/-

19/01/2021

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 ADDITIONAL DISTRICT AND
SPECIAL JUDGE EC & NDPS ACT,
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
NIB-CID COIMBATORE.

CC to M/S.R.POORNIMA Advocate on payment of necessary charges

CRL OP.19908/2020

Date :19/01/2021

RVR 03/02/2021

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