



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15902 of 2021

SANTHOSH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THIRUVALLUR DISTRICT.
(CRIME NO.71 OF 2021)

[RESPONDENT]

For Petitioner : M/S.M.MACHAVATHARAN for MR.E.KANNADASAN, Advocate

For Respondent : MR.A.GOPINATH, 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 offence under Sections 8(c) 20(b) (ii)(B) of NDPS Act in Cr.No.71 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused were found illegal possession of 10kg Ganja. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner did not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Based on the confession given by the Co accused person, the Law Enforcing Agency registered the case against the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the petitioner engaged A1 and paid Rs.50,000/- for purchasing Ganja. He further submits that no previous case pending against the petitioner. Based on the confession given by the Co accused person the petitioner was implicated, he vehemently opposed for grant of anticipatory bail to the petitioner.



5. Considering the fact that there is no recovery from the petitioner and also considering that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned *Prl. spl. Judge, Special Court of EC and NDPS Act, Chennai* 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.

(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 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/-

08/09/2021

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.



1 THE PRINCIPAL SPECIAL JUDGE,
SPECIAL COURT FOR EC AND NDPS ACT,
CHENNAI.

2 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THIRUVALLUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M. MACHAVATHARAN Advocate on payment of necessary
charges SR.NO.9767

CRL OP.15902/2021

Date :08/09/2021

CSK 24/09/2021