



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16004 of 2021

DHARSHINI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.
CRIME NO. 1470 OF 2021.

For Petitioner : M/S. W.CAMYLES GANDHI Advocate

For Respondent : Mr.C.E.Pratap Government 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), r/w 20(b)(ii)(B), 25 & 29(1) of NDPS Act in Cr.No.1470 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the respondent police got secret information and inspected the nearby burial ground and arrested the accused persons who were selling Ganja to the general public and were found in illegal possession of 2 kgs of Ganja, the same was seized by the respondent Police. On further investigation, it was found that the petitioner was the supplier of Ganja to the accused persons.

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

4. The learned Government Advocate (Crl.Side) submitted that the seized quantity of Ganja is not a commercial quantity and there is no previous case pending against the petitioner and the contraband was recovered from the accused persons, who were selling the same.



5. Considering the facts that the contraband has been recovered and it is not commercial quantity, 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 No.I, Namakkal 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/-

03/09/2021

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, NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE SUB INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary
charges Sr.9519

CRL OP.16004/2021

Date :03/09/2021

RVR 14/09/2021