



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of September Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.17694 of 2021

K.SUBASH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
P-3, VYASARPADI POLICE STATION,
CHENNAI.
CRIME NO. 790 OF 2021.

[RESPONDENT]

For Petitioner : M/S.R.NATARAJAN Advocate

For Respondent : MR. C.E.PRATAP, 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 Section 8(c), 20(b)(ii)(B), 29(1) and 25 of NDPS Act, in Crime No.790 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information, on 02.09.2021 Vyasarpadi Police went to Sathyamurthy Nagar Junction and found one plastic cover weighing around 3 kgs of ganja in two auto bearing registration numbers TN-06-X-7676 and TN-07-CJ-8260. The respondent police arrested the accused persons [A1 to A6] and also recovered the dry ganja. In respect of the petitioner, the petitioner is A7. He absconded from the scene of occurrence. Based on the confession of other accused persons the petitioner is implicated in the offence, which led to the registration of the case.

3.The learned counsel for the petitioner is absent.

4.The learned Government Advocate (Crl.Side) submits that apart from this case, a case under section 307 of IPC is pending against the petitioner. However, he submits that there is no recovery from the petitioner. He opposed for grant of anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case and the fact that there is no recovery of contraband from the petitioner, this Court 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Learned X- Metropolitan Magistrate Court, Egmore on condition that the petitioners 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 shall affix his 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
29/09/2021

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 X METROPOLITAN MAGISTRATE COURT,
EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
P-3, VYASARPADI POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.R.NATARAJAN Advocate on payment of necessary
charges SR.NO.10826

CRL OP.17694/2021

Date :29/09/2021

INBA-07/10/2021