

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20525 of 2020

Rajeev Gandhi

... Petitioner/Accused

-Vs-

State Rep. by
Inspector of Police,
R-10 MGR Nagar Police Station
Chennai - 78.
(Crime No.1041 of 2020)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to grant anticipatory bail to the petitioner, in the event of his arrest, concerned in Crime No.1041 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.Premanandhan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 8 (c), 20(b)(ii)(B) of Narcotic Drugs & Psychotropic Act, 1985, in Crime No.1041 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the A2/petitioner along with A1 were found in alleged possession of 2.250 grams of Ganja and when the police tried to intercept the accused, the petitioner ran away and other accused was arrested and sent to judicial custody.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally two accused, in which the petitioner is arrayed as A2. He would submit that A1 has already arrested and enlarged on bail by the learned Principal Judge, NDPS Court, Chennai, in CrI.MP.No.1509 of 2020 dated 10.11.2020. However, he opposed to grant bail to the petitioners.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case that no contraband was nor recovered from the accused and also of the fact that the co-accused has been enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned XXIII M.M.Saidapet, Chennai-15, 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, 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 report before the respondent Police as and when required.

[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].

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

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-
05/01/2021

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 METROPOLITAN MAGISTRATE,
NO.XXIII, SAIDAPET, CHENNAI-15

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
R-10, MGR NAGAR POLICE STATION,
CHENNAI-78.

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

CRL OP.20525/2020

Date :05/01/2021

cs 25/01/2021

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