



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21166 of 2021

KUMUTHA

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
N4 FISHING HARBOUR POLICE STATION,
CHENNAI
CRIME NO.958/2021

[RESPONDENT]

For Petitioner : M/S.M.NITHIYAVEL Advocate

For Respondent : MR.N.S.SUGANTHAN, Counsel for Government Advocate,
(Cr1.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 8(c), 20(b) (ii) (B) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.958 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, the respondent police received secret information that some person who had selling Ganja at Power Kuppam Subway nearby, based on the phone message respondent police reached the spot at 8.30 hours, and found Ganja about 1.500 Kgs from A1 and A2 ceased and arrested them and the petitioner has taken 2 pockets and ran away from the spot. Thereby, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that petitioner has no any previous case. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. side) submits that, A1 and A2 were arrested and remanded in Judicial custody. The Ganja were recovered from the petitioner and the investigation is almost completed. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case the submissions made by the learned counsel for the petitioner, that there is no previous case pending against the petitioner and the investigation almost completed, this Court is inclined to grant anticipatory bail to the petitioner

6.Accordingly, the petitioner is ordered to be released on anticipatory 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 XVI M.M., George Town, 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 shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the Cancer Institute, Adyar, Chennai by way of Demand Draft and the petitioner shall produce the receipt for the same before the said Court while executing the bond;

(b).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;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation.

(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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

16/11/2021

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 XVI METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
N4 FISHING HARBOUR POLICE STATION,
CHENNAI.

5 THE CANCER INSTITUTE, ADYAR,
CHENNAI.

+1 CC to M/S.M.NITHIYAVEL Advocate on payment of necessary
charges SR.NO.12983

CRL OP.21166/2021

Date :16/11/2021

RW 19/11/2021