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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21748 of 2021

Palani @ Palaniyappan

... petitioner

Vs.

STATE: rep. by
The Inspector of Police
Bhavanisagar Police Station,
Erode District.
(Crime No.277 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.277 of 2021 on the file of the respondent police.

For petitioner : Mr.C.Vasudevan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

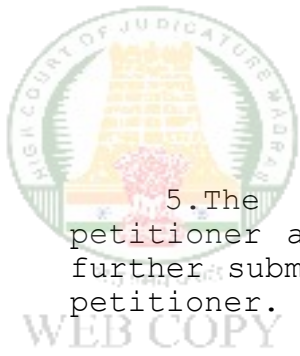
(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 328 of IPC and Section 20(b) (ii) (A) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.277 of 2021, seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that the petitioner along with few other persons was in possession of 170 grams Ganja. Hence, a case has been registered by the respondent police.

4.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He further submits that the petitioner is willing to pay any amount as imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



5.The learned Government Advocate submitted that the petitioner along with other accused was in possession of ganja.. He further submitted that there are three previous cases as against the petitioner.

6.Taking into consideration the nature of allegation against the petitioner, all previous cases are related to the year of 2017 and investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

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 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Sathyamangalam, 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), by way of Demand Draft to the Director, Adyar Cancer Institute and Research Foundation, Adyar, Chennai

[b] the petitioner shall report before the respondent police every Wednesday and Saturday 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].



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

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-sd/-

24/11/2021

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 THE JUDICIAL MAGISTRATE,
SATHYAMANGALAM, ERODE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
BHAVANISAGAR POLICE STATION,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DIRECTOR,
ADYAR CANCER INSTITUTE AND RESEARCH FOUNDATION,
ADYAR, CHENNAI.

+1 CC to M/S C.VASUDEVAN Advocate on payment of necessary charges SR.NO.13458

CRL OP.21748/2021

Date :24/11/2021

RW 29/11/2021