



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22772 of 2021

Kutti @ Thangakutti

...Petitioner

Versus

The State Rep by its
The Inspector of Police,
NIB-CID, Salem,
Salem District.
(Crime No.36 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.36 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.N.S,Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c), 20(b)(ii)(B), 29(i) and 25 of NDPS Act, 1985, in Crime No.36 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the third and fourth accused were found in illegal possession of 4 kgs of Ganja. Based on the confession of A3 and A4, the petitioner was implicated in this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.15,000/- to the credit of Legal Services Authority, Salem. He prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is one previous case pending against the first accused and investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case and considering the submission made by the learned Government Advocate (Crl.Side), and also on the fact that investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Additional District Judge & Presiding Officer, Special Court under EC & NDPS Act cases, Salem, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the Legal Services Authority, Salem within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] 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.

[c] the petitioner is directed to appear before respondent police daily at 10.30 a.m., until further orders. .

[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 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].



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

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-sd/-

30/11/2021

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 ADDITIONAL DISTRICT JUDGE,
&PRESIDING OFFICER, SPECIAL COURT
UNDER EC & NDPS ACT CASES, SALEM.

2 THE INSPECTOR OF POLICE,
NIB-CID, SALEM,
SALEM DISTRICT.

3 THE DISTRICT LEGAL SERVICES
AUTHORITY, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.13742

CRL OP.22772/2021

Date :30/11/2021

CSK 06/12/2021