



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM:

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

Crl.O.P.No.25013 of 2021

Thamilvanan @ Prem

.. Petitioner

Vs.

State represented by
Inspector of Police,
K-10, Koyambedu Police Station,
Chennai District.
(Crime No.1238 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
prayed to enlarge the petitioner on bail in the event of his arrest
pending investigation in Crime No.1238 of 2021 on the file of the
respondent.

For Petitioner : Mr.R.Balakrishnan

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

ORDER

The petitioner, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Section 8
(c) read with 20(b)(ii)(B) of NDPS Act 1985 in Crime No.1238 of 2021
on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with
others were found in illegal possession of 1300 grams of kanja.
Hence the complaint.

3. The learned counsel appearing for the petitioner submits that
the petitioner is innocent person and he has not committed any such
offence as alleged by the prosecution. However, on instructions, the
learned counsel further submits that the petitioner, on his own
volition, is ready and willing to contribute a sum of Rs.5,000/- to
any Charitable purpose as may be directed by this Court . Hence, he
prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.side) appearing for the respondent opposed for granting anticipatory bail to the petitioner by stating that the petitioner along with others were found in illegal possession of 1300 grams of kanja and sold the same to the General Public and the co-accused was arrested and remanded to judicial custody by the respondent police and the petitioner is having one previous case.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.5,000/- for charitable purpose, 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 V Metropolitan Magistrate, Egmore, 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, 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.5000/- (Rupees Five thousand only) to the Madras High Court Advocate Clerks Welfare Association, Chennai, 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 report before the respondent police on every Tuesday and Saturday at 10.30 a.m., for a period of four weeks and thereafter as and 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 has 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.

-sd/-

21/12/2021

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.V, EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
K-10, KOYAMBEDU POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE MADRAS HIGH COURT
ADVOCATE CLERKS WELFARE ASSOCIATION, CHENNAI.

+1 CC to M/S. R.BALAKRISHNAN Advocate on payment of necessary charges SR.NO.15216

CRL OP.25013/2021

Date :21/12/2021

RW 29/12/2021