



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD)Nos.1509 and 1515 of 2021

Chellakamu	...Petitioner/Accused No.1 in CRL OP (MD)No.1509 of 2021
Chellakamu	...Petitioner/Accused No.3 in CRL OP (MD)No.1515 of 2021

Vs

The State rep.by
The Inspector of Police,
Veerapandi Police Station,
Theni District.

... Respondent/Complainant
in Both Petitions

CRIME No.21 of 2021...CRL OP (MD)No.1509 of 2021
CRIME No.27 of 2021...CRL OP (MD)No.1515 of 2021

For Petitioner : Mr.S.Marisingh, Advocate.
in Both Petitions
For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)
in Both Petitions

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

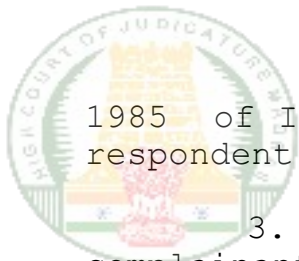
For Anticipatory Bail in Crime Nos.21 and 27 2021 on the file
of the respondent Police

COMMON ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 8(c)
and 20(b) (1) (ii) of Narcotic Drugs and Psychotropic Substances Act,

<https://hcservices2courts.gov.in/hcservices/>



1985 of I.P.C., in Crime Nos.21 and 27 of 2021, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that when the defacto complainant was raided on 16.01.2021 and 21.01.2021, at about 09.00 am, respectively, the petitioner along with two persons were standing in a suspicious manner. On seeing the defacto complainant, they ran away. It was found on inspection that the two persons came along with petitioner was in possession of 500 grams of Ganja worth about Rs.3,000/-. Hence, the present complaints.

4.The learned counsel for the petitioner submitted that the petitioner did not stand with the accused on the said dates. The petitioner was not in possession of the contraband. Hence, he seeks anticipatory bail for the petitioner.

5.The learned Government Advocate (Crl. Side) submits that the petitioner is the kingpin for the illegal sale of the contraband. The petitioner involved in two cases. He further submits that the quantity possessed by the petitioner is a small quantity.

6.It is seen from the materials on record that the contraband was not recovered from the petitioner and the petitioner is not having any bad antecedents other than these two cases and further the contraband seized is of small quantity.

7. In view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 daily 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]***; and;

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

sd/-

22/03/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE, THENI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD)Nos.1509 and
1515 of 2021
Date :22/03/2021

IAS
TK/PN/25.03.2021/3P/5C