



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.932 of 2022

Balamurugan @ Ganabala

... Petitioner

Versus

State Rep by
The Inspector of Police,
V - 6 Police Station,
Chennai - 99.
(Crime No.804 of 2020)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.804 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar
for R.Premkumar

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

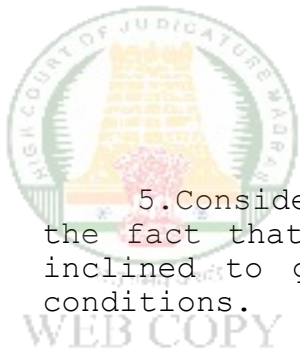
ORDER

The petitioner who apprehends arrest for the alleged offence under Section 8 (c), 20 (b) (ii) (B) of NDPS Act in Crime No.804 of 2020 on the file of the respondent police seeks anticipatory bail.

2. It is the case of the prosecution is that the petitioner found an illegal possession of 1.985 kgs of Ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl side) raised objection stating that the petitioner is notorious person and he further submitted that the petitioner was arrested under the Prisoners Act and released on bail.



5. Considering the facts and circumstances of the case and also the fact that the petitioner is absconding till date, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned XIII Metropolitan Magistrate, Egmore, 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 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. and 5.00 p.m until further orders;

(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 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]; and;



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

-sd/-
19/01/2022

WEB COPY

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 XIII METROPOLITAN MAGISTRATE COURT,
EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
V-6 KOLATHUR POLICE STATION,
CHENNAI-99.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S R.PREMKUMAR Advocate on payment of necessary charges SR.NO.796

CRL OP.932/2022

Date :19/01/2022

INBA~27/01/2022