



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.933 of 2022

Jayaraman

... Petitioner

Versus

State rep by,
The Inspector of Police,
Narcotics Intelligence Bureau-CID,
Villupuram District.
(Crime No.18 of 2017)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of his arrest in Spl.C.No.03 of 2018 on the file of the Special District Court for the Cases under NDPS Act.

For Petitioner : Mr.M.Kalaiyaran

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

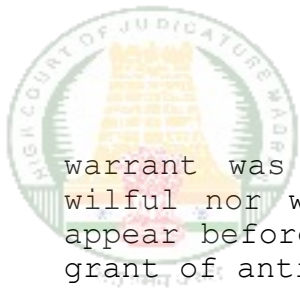
ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections **8(c) , 20(b) of Narcotic Drugs & Psychotropic Substances Act 1985**, in Crime No.18 of 2017, seeks anticipatory bail.

2.The case of the petitioner is facing trial for the offence under Sections 8(c), 20(b) of Narcotic Drugs and Psychotropic Substances Act 1985 in Spl.C.No.03 of 2018 on the file of the Special District Court for the Cases under NDPS Act, Villupuram, and since he did not appear before the Court on 25.10.2021, non bailable warrant was issued against him.

3.The learned counsel appearing for the petitioner would submit that since the petitioner suffered with ill health and thereby, he could not appear before the lower Court and hence, non bailable



warrant was issued against him and his non appearance is neither wilful nor wanton. He would submit that the petitioner is ready to appear before the trial Court regularly and hence, he would seek for grant of anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor would raise objection stating that since the petitioner did not appear before the Court on 25.10.2021, non bailable warrant was issued against him.

5. Considering the above facts and circumstances of the case, 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 lock down or the commencement of the Court's normal functioning whichever is earlier, before the **learned Special District Court for the Cases Under NDPS Act, Villupuram**, 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.10,000/- (Rupees Ten Thousand only)** to the **credit of the Tamilnadu Advocate Clerks 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 **Theni Town Police Station on every Tuesday and Sunday at 10.30 a.m., until further orders except on the Court hearings and shall appear before the trial Court on all hearings without fail;**

[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 anticipatory 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.

7. With the above directions, this Criminal Original petition is ordered accordingly.

-sd/-

19/01/2022

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 SPECIAL DISTRICT COURT
FOR THE CASES UNDER UNPS ACT, VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NARCOTICS INTELLIGENCE BUREAU-CID,
VILLUPURAM DISTRICT.

5 THE TAMILNADU ADVOCATE CLERKS ASSOCIATION,
HIGH COURT, CHENNAI.

6 THE INSPECTOR OF POLICE
STATION HOUSE OFFICER,
TOWN POLICE STATION,
THENI.

+1 CC to M/S.M.KALAIYARASAN Advocate on payment of necessary charges SR.NO.740

CRL OP.933/2022

Date :19/01/2022

TA-02/02/2022