



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Twenty First day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2951 of 2022

NITHI ILAMARAN

[ PETITIONER / ACCUSED ]

Vs

STATE BY  
THE INSPECTOR OF POLICE,  
MANGALAM POLICE STATION,  
PUDUCHERRY.  
(CR.NO.140/2021)

[ RESPONDENT ]

For Petitioner : M/S.A.P.SATHYAMURTHY Advocate

For Respondent : MR. V.BALAMURUGANE, Public Prosecutor for Puducherry

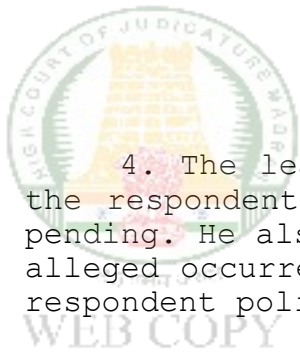
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 20(b)(ii)(A), 8(c) of NDPS Act & 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.140 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 01.12.2021, the respondent police on regular search, they found that the petitioner and other accused were selling ganja weighing about 32 grams. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that, the petitioner is aged about 22 years and now apprehending arrest by the respondent police. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that investigation is pending. He also submits that the properties which are all used in the alleged occurrence have been recovered and they are in custody of the respondent police.

5. Submissions made by the learned Counsel on either side are considered.

6. Though, the respondent police registered a case against the petitioner for the offences punishable under Sections 20(b)(ii)(A), 8(c) of NDPS Act & 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in the alleged occurrence only 32 grams of contraband alone recovered, that too from the other accused, who was secured earlier. On the basis of the confession statement of the other accused, the respondent police attempted to secure the present petitioner.

7. Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioner, particularly, on considering the quantity of the contraband recovered is very meager, this Court came to the conclusion that for the completion of investigation, custodial interrogation of the petitioner may not be necessary in this case. Hence, this Court is 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-IV, Puducherry, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 and on further condition that:

(a) the petitioner and the sureties shall affix his 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., 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 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/-

21/02/2022

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 JUDICIAL MAGISTRATE-IV,  
PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE  
PUDUCHERRY [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
MANGALAM POLICE STATION,  
PUDUCHERRY.

4 THE PUBLIC PROSECUTOR  
PUDUCHERRY.

+1CC to M/S.A.P.SATHYAMURTHY Advocate on payment of necessary charges SR.No.2733

CRL OP.2951/2022

Date :21/02/2022

CSK 28/02/2022