



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of March Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL ORIGINAL PETITION No.6820 of 2022

SUBA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
N2, KASIMEDU POLICE STATION,
CHENNAI.
CR.NO. 44 OF 2022.

[RESPONDENT]

For Petitioner : M/S.M.ILLIYAS Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 8(c), 20(b)(ii)(B), 29(1) of NDPS Act, in Crime No.44 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner herein is an absconding accused in a case where the respondent police has recovered 1,200 kgs of ganja from one Sathiya. Based on his confession, the other accused by name Ellappan, was arrested.

3. According to the prosecution based on information ought to have intercepted on 22.02.2022 wherein out of three occupants in the auto, two fled from the scene of crime and one was arrested along with contraband. From the investigation, it is come to light that the petitioner herein is one of the persons fled from the auto on seeing the ride.

4. The learned Government Advocate (Crl.Side) submits that the confession statement of the co-accused indicates that the petitioner had participated in the crime along with two other accused and on seeing the police fled from the scene of occurrence.



5. The learned counsel for the petitioner submits that the petitioner is no way connected with the crime and she never possess any ganja and she has no bad antecedents.

6. In view of the above facts, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned XVI Metropolitan Magistrate, George Town, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only), with two sureties, each for a like sum to the satisfaction of the learned Magistrate, failing which the anticipatory bail shall stand canceled 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 Investigating Officer 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

24/03/2022

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 XVI METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI

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

3 INSPECTOR OF POLICE,
N2, KASIMEDU POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.ILLIYAS Advocate on payment of necessary charges

CRL OP.6820/2022

Date :24/03/2022

RVR 31/03/2022