



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

Tuesday, the Twenty Ninth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6867 of 2022

MANIKANDAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
JRS PURAM(KADAMDUR) POLICE STATION,
ERODE DISTRICT.
(CRIEM NO.185/2021)

[RESPONDENT]

For Petitioner : M/S. J.RANJITHKUMAR 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 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8 (c) & 20(b)(ii)(B) of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.185 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The respondent police recovered 7 kilograms of ganja from three accused who were carrying it in a two wheeler. Based on the confession statement given by one of the accused, the respondent police came to know that three persons along with one Rajendran and Manikandan/petitioner herein procured 7 kgs of ganja contributing Rs.15,000/- each and procured it from Karnataka. When these three persons transported it to deliver to known purchaser, the contraband was seized.

3. The learned Counsel for the petitioner states that the petitioner has nothing to do with the crime and he has no finance for the procurement of the seized contraband nor he was in the possession of the contraband. Also submits that two accused persons in this case has been granted bail.



4. The learned Government Advocate(crl.side) submits that this petitioner is one of the co-accused, who has been involved in transport of ganja from Karnataka to be sold in and around the areas of Gopichettipalayam, Erode and his abscondence deters the completion of the investigation.

5. Considering the materials incriminating the petitioner herein, the contraband seized is not a commercial quantity, the role of the petitioner herein is spoken by the co-accused and no other material so far collected against the petitioner, for the said reason, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Additional District Judge Special Court for Essential Commodities Act Cases, Coimbatore 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 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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 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;



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

-sd/-

29/03/2022

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 THE ADDITIONAL DISTRICT JUDGE
SPECIAL COURT FOR ESSENTIAL COMMODITIES ACT CASES,
COIMBATORE.

2 THE INSPECTOR OF POLICE,
JRS PURAM (KADAMDUR) POLICE STATION,
ERODE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. J.RANJITHKUMAR Advocate on payment of necessary charges SR.No.4692

CRL OP.6867/2022

Date :29/03/2022

CSK 05/04/2022