



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fifth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6929 of 2022

SELVAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
BHAVANISAGAR POLICE STATION,
ERODE DISTRICT.
CRIME NO.171 OF 2021

[RESPONDENT]

For Petitioner : M/S.C.RAMKUMAR Advocate

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

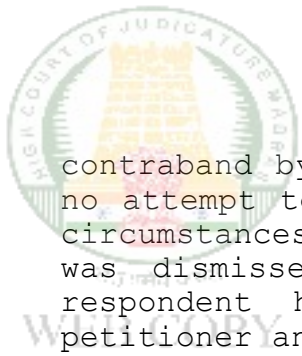
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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) and 20(b)(ii)(B) of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.171 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel appearing for the petitioner. The petition for anticipatory bail in a case where the petitioner apprehends that he may be arrested by the respondent Police in connection with illegal possession of 1.550 Kgs ganja.

3. The entire case of the prosecution centers around the recovery of the considered contraband from A1 and the confession statement given by the said A1. The recovery has occurred on 21.06.2021, till date there is no indication or counter from the respondent. After getting information from A1 about the supply of



contraband by the A2/ the petitioner herein, the respondent had made no attempt to search the premises of A2 and arrest A2. In the said circumstances, though the earlier bail petition of this petitioner was dismissed by this Court on 08.07.2021, even thereafter, the respondent has not made any investigation in respect of this petitioner and collected incriminating material.

4. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 Judicial Magistrate court, Sathyamangalam, Erode District 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 as and when required;

(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.

WEB COPY

-sd/-

25/03/2022

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 JUDICIAL MAGISTRATE,
SATHYAMANGALAM, ERODE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
BHAVANISAGAR POLICE STATION,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.RAMKUMAR Advocate on payment of necessary charges
SR.NO. 4629

CRL OP.6929/2022

Date :25/03/2022

RW 31/03/2022