



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12281 of 2022

BHARATH

[PETITIONER / ACCUSED]

Vs

THE UNION TERRITORY OF PUDUCHERRY REP BY, [RESPONDENT]
THE STATION HOUSE OFFICER,
LAWSPET POLICE STATION,
LAWSPET,
PUDUCHERRY.
CRIME NO.68 OF 2022

For Petitioner : M/S.A.PRAKASH Advocate

For Respondent : MR.V.BALAMURUGANE, Additional 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 at the hands of the respondent police for the alleged offences punishable under Sections 20(b)(ii)(B) r/w Section 8(c) of Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 and Section 77 of Juvenile Justice (Care and Protection of Children) Act in Crime No.68 of 2022, seeks anticipatory bail.

2. The petitioner is arrayed as A2. The case of the prosecution is that A1 was found in possession of 560grams of Ganja and on seizure of contraband, the case has been registered against A1. The further case of the prosecution is that, on confession of A1, the petitioner has been implicated as an accused.



3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged recovery of contraband and only on confession of A1, the petitioner has been implicated as A2. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor (Pondicherry) would submit that entire contraband has been recovered and no previous case is pending against the petitioner.

5. Considering the facts and circumstances of the case and also taking into account the fact that there is no recovery of contraband from the petitioner and only on confession of A1, the petitioner has been implicated in this case, 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 fifteen days from the date on which the order copy made ready, before the learned III Additional District Judge, Puducherry, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, who shall be the blood relatives of the petitioner 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 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. and 5.30 p.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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

19/05/2022

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 III ADDITIONAL DISTRICT
JUDGE, PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
PUDUCHERRY.

3 THE UNION TERRITORY OF
PUDUCHERRY, THE STATION HOUSE OFFICER,
LAWSPET POLICE STATION,
LAWSPET, PUDUCHERRY.

+1 CC to M/S.A.PRAKASH Advocate on payment of necessary charges
SR.NO. 7683

CRL OP.12281/2022

Date :19/05/2022

RW-24/05/2022