



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

Wednesday, the First day of June Two Thousand Twenty Two
PRESENT

The Hon`ble Mr Justice B.PUGALENDHI
CRIMINAL ORIGINAL PETITION No.12341 of 2022

MASTHAN

[PETITIONER / ACCUSED]

Vs

STATE BY
INSPECTOR OF POLICE,
CHOOILAIMEDU POLICE STATION,
CHENNAI CITY.
(CRIME NO.107 OF 2022)

[RESPONDENT]

For Petitioner : M/S.J.FRANKLIN Advocate

For Respondent : MR.A.GOKULAKRISHNAN, ADDITIONAL PUBLIC PROSECUTOR

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 under Sections 8(c), 20(b)(ii)(B) and 27A of NDPS Act in Crime No.107 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 6kg of Ganja. Hence, the case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and only on confession statement made by the co-accused, he has been falsely implicated in this case. However, on instructions, he would further submit that, the petitioner is ready and willing to deposit a sum of Rs.45,000/- to any public organization as directed by this Court and has also made an endorsement to that effect.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner is A4, who is a financier to purchase the Ganja and A1 to A3 were arrested and the entire contraband has been recovered. He further submitted that no previous case is pending against the petitioner, however, he opposed to grant anticipatory bail to him.



5. Considering the facts and circumstances of the case and also taking into account the antecedents of the petitioner and his willingness to deposit a sum of Rs.45,000/- to any public organization as directed by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall pay a sum of Rs.45,000/- (Rupees forty five thousand only) to the Government Yoga and Naturopathy Medical College and Hospital, Arignar Anna Government Hospital of Indian Medicine Campus, Arumbakkam, Near Anna Arch, Chennai - 600 106 and produce the receipt/acknowledgment before the learned XVII Metropolitan Magistrate, Saidapet. The amount paid by the petitioner shall be utilized by the Medical College & Hospital for research activities in Naturopathy.

7. On production of the receipt or acknowledgement for such payment, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned XVII Metropolitan Magistrate, Saidapet, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 am. until further orders.

[c] the petitioner shall not tamper with the 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 229-A IPC.

WEB COPY

-sd/-

01/06/2022

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 XVII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI

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

3 INSPECTOR OF POLICE,
CHOO LAIMEDU POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE GOVERNMENT YOGA AND
NATUROPATHY MEDICAL COLLEGE AND HOSPITAL,
ARIGNAR ANNA GOVERNMENT HOSPITAL OF INDIAN
MEDICINE CAMPUS, ARUMBAKKAM, NEAR ANNA ARCH,
CHENNAI - 600 106.

CC to M/S.J.FRANKLIN Advocate on payment of necessary charges
Sr.8415

CRL OP.12341/2022

Date :01/06/2022

RVR 03/06/2022