



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13978 of 2022

SARAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS,
THE STATION HOUSE OFFICER,
METTUPALAYAM POLICE STATION,
PUDUCHERRY.
CR.NO.54 OF 2022.

[RESPONDENT]

For Petitioner : M/S.K.SASINDRAN Advocate

For Respondent : MR.V.BALAMURUGANE, Additional Public Prosecutor
for Puducherry,

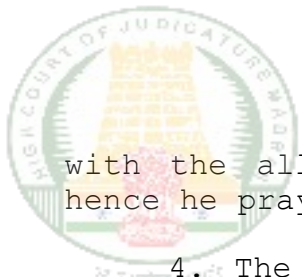
PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 77 of the Juvenile Justice (Care and Protection of Children Act) 2005 and Section 8(C) and 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.54 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 16.04.2022, based on the secrete information, the respondent police went to the place of occurrence and found that one Govarthan was in possession of 180 grams of Ganja and involved in selling of ganja to public. On enquiry it came to light that the petitioner and others also involved in the above said crime. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is a student studying in college and he is nothing to do



with the alleged occurrence. Further he has no bad antecedent and hence he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that totally there are three accused in which the petitioner is arrayed as A3. He further submitted that the contraband has been recovered from the other accused. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Even according to the case of the prosecution, the first accused was in possession of Ganja and the allegation as against the petitioner is that he also accompanied with A1. Considering the above fact and circumstances of the 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 Judicial Magistrate IV (Under NDPS Act), Puducherry, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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, 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 twice at 10.30 a.m., and 5.30 p.m., for a period of three weeks and thereafter 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 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.

-sd/-

17/06/2022

WEB COPY

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,
NO.IV (UNDER NDPS ACT) PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

4 THE STATION HOUSE OFFICER,
METTUPALAYAM POLICE STATION,
PUDUCHERRY.

+1 CC to M/S.K.SASINDRAN Advocate on payment of necessary charges SR.NO.9466

CRL OP.13978/2022

Date :17/06/2022

TA-22/06/2022