



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25012 of 2021

B. Ramu @ Kottai Ramu

... Petitioner

Versus

State Rep by  
The Inspector of Police,  
Erode South Police Station,  
Erode District.  
(Crime No.223 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.223 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/s.D.Krishnamoorthy

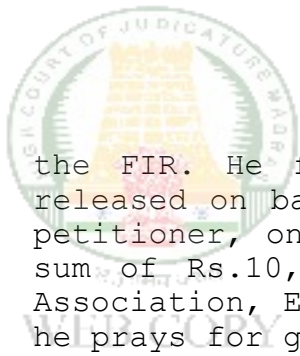
For Respondent : Mr.N.S.Suganthan  
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under section 8(c), 20(b) (ii)(B), 29(1) of Narcotic Drugs and Psychotropic substances Act 1985 in Crime No.223 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on secret information, the respondent police went to the scene of occurrence and found that one Parthiban/A11 was illegally selling dry ganja weighing 1 Kg 200 Grams. Based on the confession statement of A11, the petitioner has been involved in this case. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is no way connected with the occurrence as alleged by the prosecution and based on the confession statement of A11, he has been falsely implicated in this case since his name is not found in



the FIR. He further submits that the co-accused persons have been released on bail by the court below. He furthermore submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to the credit of the Registered Advocate Clerk Association, Erode District that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the petitioner is alleged to have involved in illegal transportation of 1.200 Kgs of dry ganja. He further submits that there are two previous cases pending against the petitioner and that accused/A1 to A4 are still absconding. He furthermore submits that a counter report has also been filed by the respondent police. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the co-accused persons have been released on bail by the Court below, this Court is inclined to grant anticipatory bail to the petitioner.

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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate-III, Erode on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Registered Advocate Clerk Association, Erode District, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below.

(a) 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;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.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]; and;

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

-sd/-

05/01/2022

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,  
NO.III, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE  
ERODE [FOR INFORMATION].

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

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE  
CLERK ASSOCIATION, ERODE DISTRICT.

+1 CC to M/S.D.KRISHNAMOORTHY Advocate on payment of necessary charges SR.NO.229

CRL OP.25012/2021

Date :05/01/2022

JPA 06/01/2022