



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.25344 of 2021

Kannan

... Petitioner

Vs.

The State represented by
The Inspector of Police
Panruti Police Station
Cuddalore District

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest pending investigation in Cr.No.686 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.M.Rahamath Ali

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

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 8(c) 20(b) (ii) (B) of NDPS Act in Crime No.686 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that based on the secret information, the respondent were on regular patrol, they found that the petitioner along with others were found in illegal possession of 2100 grams of dry ganja and three accused were arrested and ganja was seized by the respondent police. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that the arrested co-accused confessed the name of the petitioner herein and



three accused persons were arrested and the contraband was seized by the respondent police. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.5,000/- to the credit of Vadalur Sathya Dharma Salai, Thiru Arutprakasa Vallalar Dheiva Nilayam, Vadalur - 607303, Cuddalore District. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent opposed for granting anticipatory bail to the petitioner by stating that the petitioner along with others were found in illegal possession of 2100 grams of dry ganja and three accused were arrested and ganja was seized by the respondent police. He further submits that there are seven previous cases pending as against the petitioner. He further submits that investigation was almost completed.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.5,000/- for charitable purpose, 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 her 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 No.1, Cuddalore 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 and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Vadalur Sathya Dharma Salai, Thiruarutprakasa Vallalar Dheiva Nilayam, Vadalur - 607303, Cuddalore District, A/c. Name: Vallalar Deiva Nilayam, Vadalur, A/c. No.028101000000232, Indian Overseas Bank, Vadalur Branch, Branch Code-0281, IFSC Code-IOBA0000281 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;

[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 on everyday at 10.30a.m until further orders;

[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 has been imposed and the petitioner is 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;

-sd/-
04/01/2022

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.I, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PANRUTI POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 VADALUR SATHYA DHARMA SALAI,
THIRUARUTPRAKASA VALLALAR DHEIVA NILAYAM,
VADALUR - 607303, CUDDALORE DISTRICT,
A/C. NAME: VALLALAR DEIVA NILAYAM,
VADALUR, A/C. NO.028101000000232,
INDIAN OVERSEAS BANK, VADALUR BRANCH,
BRANCH CODE-0281, IFSC CODE-IOBA0000281

+1 CC to Mr.A.M.Rahamath Ali Advocate on payment of necessary
charges SR.NO.155

CRL OP.25344/2021

Date :04/01/2022

JPA 10/01/2022