



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25353 of 2021

1.Ganapathi
2.Surya

... Petitioners

Versus

State represented by
The Inspector of Police,
Erumapatty Police Station,
Namakkal District.
(Crime No.664 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.664 of 2021 on the file of the respondent police.

For Petitioners : Mr.T.Muruganantham

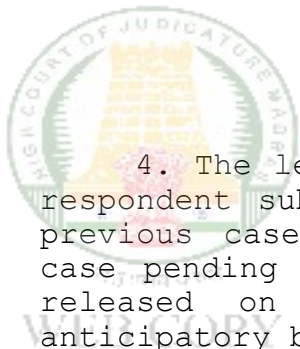
For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 8(b), 20(a) (i) and 29(1) of NDPS Act in Crime No.664 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the respondent on their routine raid came to know that in the house of One Saravana Pandian, he was cultivating Ganja Plants. Upon his arrest, the said Saravana Pandian gave confession statement that the petitioners brought Ganja and gave the same to his friends for the purpose of Consuming Ganja. Hence this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners planted 8 Ganja Plants, 5 previous cases pending against the 1st petitioner and no previous case pending against the 2nd petitioner and they were arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their 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 *Special Judge for EC / NDPS Act Cases, Salem*, on condition that the petitioners 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 petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) [1st petitioner Rs.10,000/- and 2nd petitioner Rs.5000] to the credit of the Registered Advocate Clerk Association, Salem District within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioners 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.

[c] the petitioners are directed to report before the respondent police daily at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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].



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

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-sd/-
31/01/2022

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 SPECIAL JUDGE FOR EC/NDPS ACT CASES,
SALEM.

2 THE INSPECTOR OF POLICE,
ERUMAPATTY POLICE STATION,
NAMAKKAL DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE REGISTERED
ADVOCATE CLERK ASSOCIATION, SALEM DISTRICT.

+1CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges SR.No.1479

CRL OP.25353/2021

Date :31/01/2022

CSK 04/02/2022