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Crl.O.P.No.30238 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.30238 of 2024

Vishal @ Gundu Vishal

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
N4 Fishing Harbor Police Station,
Chennai.
Crime No.227 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS,
pleaded to enlarge the petitioner on bail on anticipatory bail in Crime No.227
of 2024 on the file of the respondent police.

For Petitioner : Mr.G.Ezhilbalaji

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

ORDER

The petitioner / Accused who apprehend arrest at the hands of the
respondent police for the offences punishable under Section 8(c), 20(b)(ii)(B)



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& 29(1) of NDPS Act, in connection with the Cr. No.227 of 2024, seek anticipatory bail.

2. The case of the prosecution is that based on the secret information about the illegal transport of ganja, the respondent police and his team went to the scene of occurrence near N4 Fishing Harbour Pallam, where they found the petitioner along with other accused was found in illegal possession of 1.100 grams of ganja. Hence the case.

3. Learned counsel for the petitioner submitted that this is the second anticipatory bail petition filed by the petitioner. He further submitted that the petitioner is an innocent person and he has been falsely implicated by the respondent police and he is in no way connected with the offence as alleged by the prosecution. He further submitted that the co-accused/A1 and A2 were already arrested and released on bail, that based on the confession of the arrested accused, this petitioner was arrayed as an accused, that no contraband was recovered from this petitioner. He further submitted that the petitioner is ready and willing to furnish substantial sureties for his due



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release and to abide by any conditions that may be imposed by this Court and therefore, he prayed to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) would submit that there are 4 accused in this case, and this petitioner is arrayed as A2, except this petitioner, all other accused were arrested, that this petitioner along with other accused is in possession of 1.100 grams of ganja, which is an intermediate quantity. He further submitted that no contraband was recovered from this petitioner, that this petitioner is having 8 previous cases including one NDPS case, and investigation is almost completed. However, he strongly objected to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the representation made by both side counsel, nature of offence, quantity of contraband involved is not a commercial quantity, even as per the prosecution, this petitioner was arrayed as an accused, based on the confession of the arrested accused, that no contraband was recovered from this petitioner, though the petitioner has 8 previous cases,



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all are not similar kind of offence, in all the cases, he has been released on bail, this court has already dismissed the earlier anticipatory bail application filed by the petitioner, even after the police have not taken steps to secure the accused and also considering all other factors, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Metropolitan Magistrate No.XVI, George Town, Chennai**, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the concerned NDPS Court, Chennai, on all working days at 10.30 a.m. until further orders.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any



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police officer or tamper with the evidence;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

16.12.2024

drl



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P.DHANABAL, J.

drl

To

1. The Inspector of Police,
N4 Fishing Harbor Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

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