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CRL OP NO. 30981 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 30981 of 2024

Manikkam

S/o. Phachai Muthu, No.284, DSP Camp,
Veerapuram, Morai, Tiruvallur District - 600 055.

Petitioner(s)

Vs

State Rep.By

The Inspector of Police,

K-2, Ayanavaram Police Station,

Chennai District.

Respondent(s)

Criminal Original Petition filed under Section 482 of BNSS Act, 2023
praying to enlarge the petitioner on bail in the event of his arrest in
connection with Crime No. 318 of 2024 on the file of respondent police.

For Petitioner(s):

Kalaimani S

A.Tamilselvan

M. Madhan

For Respondent(s): Mr.S.Santhosh, Govt. Adv. Crl.Side

ORDER

Apprehending arrest in connection with Crime No.318 of 2024
registered for the offences punishable under Sections 8(c), 20(b) (ii) (B) of



NDPS Act, the present petition has been filed seeking anticipatory bail.

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2. The case of the prosecution is that the respondent police received a confidential information and based on the same, the petitioner was found in illegal possession of 1.2 kg Ganja in a black cover. Hence the complaint.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner is innocent and he has been falsely implicated based on confession of the another accused. Therefore, the petitioner is ready to abide by any stringent condition that may be imposed by this court.

4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner was found in illegal possession of 1.2 kg Ganja in a black cover. He would further submit that there is no previous case pending against the petitioner.



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5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he 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 of receipt of a copy of this order, before the learned **Principal Special Court for Exclusive Trial Case of NDPS Act, 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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;

[c] the petitioner shall report before the respondent Police everyday at 6.30 p.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 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.



12.12.2024

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To

1. State Rep.By

The Inspector of Police, K-2, Ayanavaram Police
Station, Chennai District.

2.The Public Prosecutor, High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

MSM

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