



WEB COPY



Crl.O.P.No.1079 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29.01.2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO.1079 of 2025

Balaji

...Petitioner/A4

Vs

The State, Rep., by the Inspector of Police,
Annadanapatty Police Station,
Salem District.

Crime No.624 of 2024

....Respondent

For Petitioner : Mr.R.Radha Pandian

For Respondent : Mr.S.Santhosh,
Government Advocate (Criminal Side)

ORDER

Apprehending arrest in connection with Crime No.624 of 2024 registered for the offences punishable unde Sections 8(c), 20(b)(ii)(B) and 25 of NDPS Act, the present petition has been filed seeking anticipatory bail.



Crl.O.P.No.1079 of 2025

WEB COPY

2.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He submits that A1 was found in illegal possession of 1.250kg of Ganja and the petitioner is A4 and he has been falsely implicated in this case based on the confession statement of A1 that he had purchased ganja from A2 and A3 and selling the same in retail along with the petitioner/A4 and A5. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate(Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that A1 was found in illegal possession of 1.250kg of Ganja and he has confessed that the seized Ganja has been bought from A2 and A3. He further submits that the petitioner has no previous case as against him and no recovery has been made from him.

4.At this juncture, the learned counsel for the petitioner submitted



Crl.O.P.No.1079 of 2025

that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.5,000/- as non-refundable deposit to any welfare scheme of the Government or any organization. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6.On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- as non refundable deposit to "**The District Legal Services Authority, Salem**", without prejudice to his rights and contentions before the trial Court.

7.Merely because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8.Taking into consideration the facts of the case, I am inclined to



Crl.O.P.No.1079 of 2025

grant anticipatory bail to the petitioner subject to the following conditions:

9. Accordingly, the petitioner is directed to make a non-refundable deposit of **Rs.5,000/- (Rupees five Thousand only)** directly to the credit of "**The District Legal Services Authority, Salem**", without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner 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 on which the order copy made ready, before the **learned Judicial Magistrate No.IV, Salem**, 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 and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 06.30p.m., until



Crl.O.P.No.1079 of 2025

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 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]**;

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

29.01.2025

raa

To

- 1.The Judicial Magistrate No.IV, Salem.
- 2.The Inspector of Police, Annadanapatty Police Station, Salem District.
- 3.The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.O.P.No.1079 of 2025

A.D.JAGADISH CHANDIRA, J.

raa

Crl.O.P.No.1079 of 2025

29.01.2025