



Crl.OP.No.2779 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 11.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2779 of 2025

J.Shelton

.. Petitioner

Vs.

The State rep by
The Special Sub Inspector of Police,
PEW-Coimbatore City Police Station,
Coimbatore District.
(Crime No.463 of 2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of his arrest in Crime No.463 of 2024 on the file of the respondent Police.

For Petitioner : M/s.Prabhakaran Karuppannan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 8(c), 20(b)(ii)(B), 22(a), 25,
29(I) of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section
123 of the BNS, 2023 in Crime No.463 of 2024, seeks anticipatory bail.



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2. The case of the prosecution is that the co-accused were found in possession of 1.289 kilograms of Ganja, 10 Nitrazepam Tablets & 170 Tapendtadol Tablets and that on confession of co-accused, the petitioner was sought to be implicated; that the allegation against the petitioner is that the petitioner had gone to Kerala to purchase the contraband.

3. The learned counsel appearing for the petitioner submitted that the allegations are false and that the contraband seized from the co-accused is in intermediate quantity. He further submitted that the petitioner is sought to be implicated only on the confession of co-accused, and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that this is the 2nd



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anticipatory bail application of the petitioner and the 1st anticipatory bail application was dismissed as withdrawn on 14.11.2024. He further submitted that the petitioner is sought to be implicated on the confession of co-accused; that there are 3 previous cases against the petitioner in which one case is of similar in nature.

5. Though the earlier anticipatory bail application was dismissed as withdrawn, the petitioner has not been arrested so far. There is no recovery from the petitioner. The petitioner is sought to be implicated on the confession of co-accused. The petitioner is on bail in the other cases. Considering the aforesaid facts and the nature of allegations, custodial interrogation of the petitioner is not required for the purpose of investigation, 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 his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Judicial**



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Magistrate Court No.IV, Coimbatore, on condition that the petitioner

shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**

with two sureties 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 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.

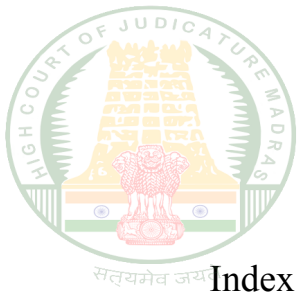
[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.

[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 Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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 BNS.



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Index : Yes / No

Internet : Yes / No

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To

1.The Special Sub Inspector of Police,
PEW-Coimbatore City Police Station,
Coimbatore District.

2. The Judicial Magistrate Court No.IV,
Coimbatore

3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN, J.

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