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Crl O.P.No.2466 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2466 of 2025

Sowkath Ali

.. Petitioner

Vs.

The State rep by
Inspector of Police,
Vellore North Police Station,
Vellore,
Vellore District.

(Crime No.1834/2020)

.. 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 her arrest in Crime No.1834 of 2020 on the file of the respondent Police.

For Petitioners : Mr.M.R.Thangavel

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B), 25 of NARCOTICS DRUGS 7 PSYCHOTROPIC SUBSTANCES (NDPS) ACT, 1985, in Crime No.1834 of 2020, seeks anticipatory bail.



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2. The case of the prosecution is that, on 06.08.2020, based on secret information, the respondent police, while conducting vehicle check-up, found a two-wheeler bearing No.TN 23 CU 7601, ridden by A1 and A2 were in illegal possession of two kilograms of narcotic substance namely Ganja. Based on the confession of A1 and A2, the petitioner/A3 was arrayed as an accused. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that only on confession of A1 and A2, the petitioner has been arrayed as an accused; and that the petitioner is ready to abide by any condition, that may be imposed by this Court. Therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, per contra submitted that the petitioner along with arrested accused had involved in selling of two kilograms of Ganja. Therefore, he opposed for granting anticipatory bail to the petitioner.



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

6. Considering the nature of allegations; and that the alleged offence is stated to have been taken place in the year 2020; and the co-accused were arrested and released on bail; and that the custodial interrogation of the petitioner is not required for investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 learned Judicial Magistrate - IV, Vellore** 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



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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;

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[b] the petitioner shall report before the respondent police daily at 10.00 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 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 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



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1. The Judicial Magistrate-IV,
Vellore
2. The Inspector of Police,
Vellore North Police Station,
Vellore,
Vellore District.
3. The Public Prosecutor,
High Court of Madras.

SUNDER MOHAN., J.



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