



WEB COPY



Crl OP No.3412 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3412 of 2025

Datchanamoothi

... Petitioner

Versus

State rep by its
The Inspector of Police,
Peelamedu Police Station,
Coimbatore District.
Crime No.666 of 2024

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Cr.No.666 of 2024 pending investigation on the file of the respondent police.

For petitioner : Mr.R.Parthiban

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) r/w



20(b)(ii)(B), 22(a), 22(b) 25 and 29(1) of NDPS Act in Crime No.666 of 2024, seeks anticipatory bail.

WEB COPY

2. The case of the prosecution is that on secret information A1 , A2 and A3 were found in possession of 1.100 kgs of ganja, 5 LSD Stamps and 38 Tablets of Alprazolam I.P.Trika weighing 5.76 grams and that on their confession the petitioner was implicated as an accused. Hence the case.

3. Learned counsel appearing for the petitioner would submit that the allegations are false; that in similar case, this Court has granted anticipatory bail to the petitioner in Crl.OP.No.1293 of 2025 dated 17.01.2025. considering the nature of the allegations, the custodial interrogation of the petitioner is not required and sought for anticipatory bail.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and confirmed the fact that the petitioner was implicated on the confession of the co-accused and no recovery was made from the petitioner and that in the earlier case



against the petitioner, this Court had granted anticipatory bail to him.

However, he vehemently opposed to grant anticipatory bail to the petitioner.

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 above said facts and the nature of allegations against the petitioner and since he is sought to be implicated on the confession of the co-accused and no recovery was made from the petitioner, this is of the view that custodial interrogation is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

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 **Judicial Magistrate-II, 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 conditions that:

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

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**;

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

17.02.2025

Vv

To

1. The Judicial Magistrate-II, Coimbatore
2. The Inspector of Police,
Peelamedu Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



Crl OP No.3412 of 2025

SUNDER MOHAN, J.

Vv

Crl.O.P.No.3412 of 2025

17.02.2025