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CrI.O.P.No.4750 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.4750 of 2025

V.Sathiskumar @ Azhukku Sathish

... Petitioner/Accused

Vs.

State, Rep. by the Inspector of Police
PEW Anna Nagar Range,
Chennai.

(Crime No.642 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.642 of 2023, on the file of the respondent Police.

For Petitioner : Mr.U.Yuvaraj

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI. 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), 29(1) of NDPS Act, in Crime No.642 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on secret information the accused was found to be in illegal possession of 3.20 kgs of Ganja. Hence, the case was registered for the aforesaid offences.



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3.Learned counsel appearing for the petitioner would submit that the petitioner was not arrested during the course of the investigation; that he apprehends arrest since the respondent has filed a final report showing that the petitioner is absconding and hence, prayed for anticipatory bail for the petitioner.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the petitioner has 18 previous cases, out of which five are of similar nature i.e., under NDPS Act and is on bail in all cases. He further submitted that the final report has already been filed and the next hearing is on 07.03.2025. The respondent has also filed a counter affidavit.

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

6. On perusal of the counter affidavit, this Court finds that the petitioner has 5 previous cases under NDPS Act and the petitioner has been acquitted in one case and the other cases are either under investigation or pending trial.

7.Therefore, considering the nature of allegations against the



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petitioner, that the contraband seized from the co-accused is only an intermediate quantity, the fact that the final report has already been filed, that the case is pending trial and the petitioner is on bail in all other previous cases, this Court is of the view that custodial interrogation is not required and is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 made ready, before **the learned Judge, II Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai**, on condition that the petitioner shall execute a separate 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 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 report before the trial Court on all hearing dates.

[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 of B.N.S.

26.02.2025

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Crl.O.P.No.4750 of 20

SUNDER MOHAN, J.

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To
1.The Judge,
II Additional Special Court for Exclusive Trial of cases under NDPS Act,
Chennai.

2.The Inspector of Police
PEW Anna Nagar Range,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

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