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Crl.O.P.No.5551 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5551 of 2025

Settu @ M Eswar

...Petitioner/Accused-2

Vs.

State rep by
The Inspector of Police,
Kolathur Police Station,
Salem District.
(Crime No.122 of 2024)

... Respondent

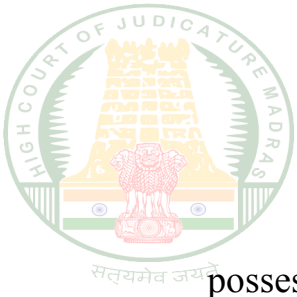
PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioner on anticipatory bail in Crime No.122 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who apprehends arrest at the hands of the respondent, seeking anticipatory bail in Crime No.122 of 2024 registered for the offence under Sections 8(c) r/w 20(b)(ii)(B) & 25 of NDPS Act.



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2. The case of the prosecution is that A1 was found in illegal possession of 8 kgs of ganja leaves and seeds; that his confession statement, revealed that the said contraband has been purchased from the petitioner.

3. Learned counsel appearing for the petitioner(A2) submitted that the petitioner is innocent; that he has been falsely implicated in this case; that the contraband was seized; that he is sought to be implicated only on the confession of the co accused who was in possession of intermediate quantity and since custodial interrogation of the petitioner is not required for the purpose of investigation, he sought for grant of anticipatory bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that contraband was seized and the petitioner has no bad antecedents.

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.



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6. Considering the nature of allegations, the fact that the occurrence said to have taken place on 03.04.2024, the fact that petitioner is sought to be implicated on the confession of the co-accused; that no recovery was made from the petitioner; and that the petitioner has no bad antecedents and since 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.

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 of receipt of copy of this order, before the learned **Judicial Magistrate – I, Mettur**, 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 said Magistrate, on further condition that:

[a] 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 respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness 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 B.N.S.

28.02.2025

rkp

Copy to:

1.The Inspector of Police,
Kolathur Police Station,
Salem District.

2.The Judicial Magistrate – I, Mettur.

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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