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CrI.O.P.No.17045 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17045 of 2025

Ganpat

... Petitioner

Vs.

State Rep by
Inspector of Police,
J-4, Kotturpuram Police Station,
(Cr.No.143 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police pending investigation in Cr.No.143 of 2025 on the file of the respondent police.

For Petitioner : Mr.Mukesh Kannah

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 under Sections 8(C), 20(b)(ii)(B) and 29(1) of NDPS Act, 1985 in Cr.No.143 of 2025 on the file of the respondent, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner along with other accused was in possession of the 2 kgs of ganja.

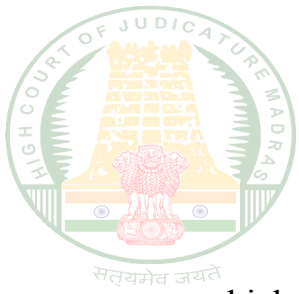
3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The petitioner is ready to abide any conditions that may be imposed by this Court. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that based on the confession of the co-accused that he has been impleaded as A3. He further submitted that there is no previous case against the petitioner. However, he opposed for granting anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel appearing on either sides and taking note of the fact that there is no previous case against him. Since, custodial interrogation of the petitioner is not required, 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



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on which the order copy made ready, before the learned **IX Metropolitan Magistrate, Saidapet, Chennai** 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] **the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required;**

[d] the petitioner shall not abscond either during investigation or trial and they shall make themselves available for interrogation by a Police Officer as and when required;



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[e] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

30.07.2025

Vv

To

1. The IX Metropolitan Magistrate, Saidapet, Chennai
2. The Inspector of Police, J-4, Kotturpuram Police Station,
3. The Public Prosecutor, High Court of Madras.

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M.NIRMAL KUMAR, J.

Vv

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