

CRL OP NO.32345 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2024

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO.32345 of 2024

C.Karthikeyan,
S/o.Chinnasamy,
No.29, Kothukkarar Street,
Thasampudur, Nallampatti, Erode District.

Petitioner(s)

Vs.

State by the Inspector of police,
Kanjikoil Police Station, Erode District.
(Crime No.213 of 2024)

Respondent(s)

For Petitioner(s):

**MUNUSAMY CHOKKALINGAM,
V. SUGUNA, M. SUDHA**

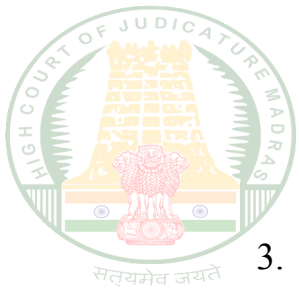
For Respondent(s):

Public Prosecutor

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) and 25 of the Narcotics Drugs & Psychotropic Substances (NDPS) Act, 1985, in Crime No.213 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that during a routine vehicle check, the de-facto complainant/respondent found that the petitioner, along with two other persons, was in illegal possession of Ganja (marijuana) hidden in the tank cover of the motorcycle. Hence, this case.



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3. Learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner has no way connection with the offences as alleged by the prosecution. The petitioner's implication is solely based on the confession statement given by the accused/A1 & A3. Therefore, he prays that anticipatory bail be granted to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioner, stating that the petitioner and two others were found to be in illegal possession of 1.300 Kg of Ganja, which were seized by the respondent police. Based on the instructions given by the accused/A1 & A2, the petitioner/A3 sold the Ganja. Further, he submits that the petitioner has no previous case.

5. Having 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, and upon considering the petitioner has no previous case and based on the confession of the accused/A1 & A2, he was arrayed as A3, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he is ordered to be released



from the date of receipt of a copy of this order, before **the learned Judicial Magistrate, Perundurai**, on condition that the petitioner shall execute 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 said Magistrate, 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 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;

[c] the petitioner shall report before the respondent Police on everyday at 10:30 A.M., until further orders;

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

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

[f] 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 was 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]



registered under Section 269 of BNS.



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10.01.2025

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To

State by the Inspector of police,
Kanjikoil Police Station, Erode District.
(Crime No.213 of 2024)



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A.D. JAGADISH CHANDIRA, J.

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