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Crl.O.P.No.32468 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 32468 of 2024

KABILAN

S/o.Vijayakumar No.1st Main Road, M.Parur, and
Post, Mangalam Cuddalore -606 104. and another

Petitioner(s)

Vs

The State By,
THE INSPECTOR OF POLICE Edaikkal Police
Station, Kallakurichi District. (Crime No. 338 of
2024)

Respondent(s)

For Petitioner(s):

Muthupandi V
A.Anandharaj
M.Manjula

For Respondent(s):

Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(A), 25 and 29(i) of Narcotic Drugs and Psychotropic Substance Act, 1985 in Crime No.338 of 2024, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that, on 15.12.2024, based on a secret information, the respondent police went to the spot and found that accused persons, who are the friends of the petitioner's herein were in possession of 500 grams of Ganja and upon enquiry, the petitioners have also been arrayed as accused. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that petitioners are innocent and have not committed any offence, as alleged by the prosecution. He would further submit that the petitioners are only the friends of the arrested accused and they have been falsely roped in this case. He would further submit that the petitioners are ready to abide by any condition, that may be imposed by this Court and also to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police submits that the second petitioner herein/ Sathiyakumar is not an accused in this case and the first petitioner herein/ A1 is the supplier, who had supplied 500 grams of Ganja to the arrested accused and he has no



previous case. Therefore, he opposed for granting anticipatory bail to the first petitioner/ Kabilan.

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

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and the fact that the second petitioner herein/ Sathiyakumar is not an accused and the first petitioner has no previous case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate - I, Ulundurpettai** on condition that the petitioners 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 petitioners 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 first petitioner/ Kabilan shall report before the respondent police everyday at 10:30 a.m., until further orders, the second petitioner/ Sathiyakumar shall report before the respondent police, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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



Crl.O.P.No.32468 of 2024

[(2005)AIR SCW 5560].

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

08.01.2025

stn

To

1. The State By,
THE INSPECTOR OF POLICE
Edaikkal Police Station,
Kallakurichi District.
(Crime No. 338 of 2024)



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A.D. JAGADISH CHANDIRA, J.

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