



Crl.O.P.No.21410 of 2022

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**G.K.ILANTHIRAIYAN, J.**

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of the NDPS Act, in Crime No.1054 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the A1 was found in possession of 2 Kgs 200 grams of Ganja illegally. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and no way connected with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that the petitioners are having many previous cases against them. Hence he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Though it is a case under NDPS Act, the petitioners were not present in the scene of crime. Only on the confession statement of the co-accused they have been implicated as accused in this case. Further, the contraband which was seized from the other accused person was also not a commercial quantity. The petitioners being the daughters of A1 are implicated as accused. That apart, the respondent police so far failed to secure the petitioners even after the dismissal of their anticipatory bail petition.

6. Considering the facts and circumstances of this 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 II Metropolitan Magistrate, Egmore, Chennai** on

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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 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 respondent police twice daily at 10.30 a.m. and 5.30 p.m. for a period of six weeks and thereafter as and when required for interrogation.

[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.



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[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 229A IPC.

07.09.2022

rgm/mpl

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