



Crl.OP.No24287 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 323, 324, 353 and 506(i) of IPC r/w Section 8(C), 20(b)(ii)(A) of NDPS Act in Crime No.288 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the three persons came in a motorcycle, the respondent police inspected and searched them, one person ran away from the scene of occurrence and other two persons were found in possession of 100 grams of ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioner is not aware of the other accused having in possession of ganja and he has been falsely implicated in this case. He further submit there is no previous case as against the petitioner. The arrested accused have been enlarged by the learned Judicial Magistrate-II, Thiruvallur. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that when the three persons came in a motorcycle,



the respondent police were on duty, on seeing the police, the petitioner ran away from the scene of occurrence, the respondent police searched the other two persons who were found in possession of 100 grams of ganja, and seized the same. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 on which the order copy made ready, before the ***learned Judicial Magistrate-II, Thiruvallur*** on condition that the petitioner shall execute a bond for a sum of Rs.25,000 /- (Rupees Twenty Five 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 every day at 10.30 a.m for a period of four weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

[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.

[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 [(2005)AIR SCW 5560]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

18.10.2022

Vv



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