



Crl.O.P.No.28139 of 2022

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A.D.JAGADISH CHANDIRA.,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of NDPS ACt, 1985, in Crime No.133 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused was found in possession of 1.200 Kg of ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated based on the confession of the co-accused. He would submit that this is the second anticipatory bail application and the earlier application was dismissed as withdrawn on the submission made by the respondent that the petitioner has got one previous case. On verification, it was found that the case relates to Motor Vehicles Act and it is not the case under NDPS Act. He would submit that the petitioner is aged about 23 years and his parents will stand as surety to him. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The Additional Public Prosecutor appearing for the respondent police would submit that the petitioner along with other accused was found in selling ganja. On seeing the police, the petitioner escaped from the scene of occurrence. Hence, he opposed to grant anticipatory bail to the petitioner. At this juncture, without prejudice, the petitioner is prepared to deposit a sum of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. In order to curb the illegal activities of smuggling of drugs, this Court is of the opinion that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as a non refundable deposit to **"The Government Kilpauk Medical College Hospital, Kilpauk, Chennai"**, without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial



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related sureties, of which one should be either father or mother of the petitioner 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 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 daily at 10.30 a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

17.11.2022

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