



Crl.O.P.No.29640 of 2022

Crl.O.P.No.29640 of 2022

WEB COPY

G.K.ILANTHIRAIYAN, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 22(b)(ii)(B) of NDPS Act, 1985, in Crime No.848 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there are totally five accused, in which, the petitioner is arrayed as A4. It is alleged that the petitioner along with other accused were in joint possession of 1 Kg 250 grams of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner was earlier granted anticipatory bail on 04.07.2022 in Crl.O.P.No.15239 of 2022. However, the petitioner could not able to execute the sureties as directed by this Court. Therefore, the petitioner filed another petition for anticipatory bail and the same was dismissed for the reason that the petitioner failed to execute the sureties as directed by



Crl.O.P.No.29640 of 2022

WEB COPY

this Court. Now, the petitioner is ready and willing to abide by any conditions as imposed by this Court. Therefore, the petitioner had again filed the present petition seeking for anticipatory bail. On instructions, he would further submit that the petitioner is ready to deposit an amount of **Rs.5,000/-** to the credit of the **Tamil Nadu Legal Services Authority** and prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor admitted that the petitioner was earlier granted anticipatory bail by this Court. However, the petitioner has not executed the sureties as directed by Court.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to deposit an amount of **Rs.5,000/-** to the credit of the **Tamil Nadu Legal Services Authority**, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



Crl.O.P.No.29640 of 2022

WEB COPY

6. Accordingly, the petitioner shall deposit a sum of **Rs.5,000/-** (Rupees Five Thousand only) as non refundable deposit to the credit of the **Tamil Nadu Legal Services Authority** and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the Judicial Magistrate Court, Omalur, Salem District, 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 deposit a sum of **Rs.5,000/-** (Rupees Five Thousand only) as non refundable deposit to the credit of the **Tamil Nadu Legal Services Authority**.



WEB COPY



Crl.O.P.No.29640 of 2022

G.K.ILANTHIRAIYAN, J.

mn

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m., and 05.30 p.m, for a period of four weeks and thereafter as and when required for interrogation.

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

[e] the petitioner shall not abscond either during investigation or 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 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]**.

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

01.12.2022

mn

Crl.O.P.No.29640 of 2022