



Crl.O.P.No.32125 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w 22(b), 25, 17(a), 28 & 29(1) of NDPS Act in Crime No.870 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the A1 was found to be in illegal possession of 104.06 grams of Methaqualone, 3 grams of Amphetamine and 3 grams of Opium. Based on the confession of A1, the petitioner and other accused were arrested. Hence, the case.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the contraband involved in this case is in-between quantity. He further submits other than the confession of co accused, there is no material to show that the petitioner was involved in this case. Hence, he seeks for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) submits that the A1 was found in illegal possession of 104.06 grams of Methaqualone, 3 grams of Amphetamine and 3 grams of Opium and based on the confession of A1, the petitioner and other accused were arrested. He would submit that the investigation has been completed and there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that the petitioner is ready and willing to pay a sum of Rs.10,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



7. Considering the facts and circumstances of the case and also considering the fact that the petitioner is prepared to deposit an amount of Rs.10,000/- to any welfare scheme of the Government and that the investigation has been completed, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Dhanabakkiammal Social Welfare Trust, D-3, 1/338, Vasantham Apartment, Sabari Salai, Madipakkam, Chennai 91. A/c No.921010003441816, Axis Bank, Madipakkam Branch, IFSC Code:UTIB0000083, Cell No.9840894264**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 Principal Sessions Special Judge for NDPS Act, Chennai**, on condition that the petitioner shall execute a 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 every Tuesday and Sunday at 10.30 am for a period of three months 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.

23.12.2022

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