



Crl.O.P.No.4151 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.73 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receiving a secret information, the respondent Police along with his team went to the scene of occurrence and they found the petitioner along with other accused were in illegal possession of 1 kg 400 gram of Ganja. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and based on the confession statement recorded from the other accused, the petitioner has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and



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hence, he prays to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that the petitioner along with the other accused were involved in illegal transportation of 1 kg 400 grams of Ganja. He further submits that investigation is at crucial stage. He further submitted that if the petitioner is granted anticipatory bail at this stage, there is a possibility of tampering the evidence. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Considering the facts and circumstances of the case and also the submissions made by the learned counsel for the petitioner and that the investigation is at crucial stage, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** by way of Demand Draft to **the Registrar General, High Court of Madras for the purpose of using the amount for Siddha Clinic attached to this Court** and on such receipt and receipt of proof of payment, 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 VII MM, George Town, 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



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their Aadhar card or Bank pass Book to ensure their identity.

(b) the petitioner shall report before the respondent police station on every Tuesday and Saturday at 10.30 a.m., for a period of two months;

(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 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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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