



Crl.O.P.No.4467 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 353 of IPC, 25(1B)(a) of Arms Act, 1959, 8(c), 20(b)(ii)(A) of Narcotic Drugs & Psychotropic Substances Act, 1985 and 4(1)(a) of TN Prohibition Act, in Crime No.58 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that, on 16.02.2023, when the respondent police was in patrol, the accused persons were found in illegal possession of Ganja, imported liquor, Air Gun, Double barrel gun and Arrow Gun without any valid permission from the concerned authority. Hence, the Law Enforcing Agency registered a case against the petitioner and other accused.

3.The learned counsel appearing for the petitioner would that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that based on the confession statement of the co-accused, the petitioner has been falsely



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implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submitted that, on 16.02.2023, when the respondent police was in patrol, the accused persons were found in illegal possession of 215 grams of Ganja, imported liquor, Air Gun, Double barrel gun and Arrow Gun without any valid permission from the concerned authority. He would also submit that the petitioner is the person, who sold the guns to A1. He would further submit that the guns have been seized by the respondent police. Further, he would submit that A1, A2 and A3 were arrested and A4 and A5 were absconding and the investigation is almost completed. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (Crl.Side) investigation almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the **learned Judicial Magistrate at Thiruporur**, on condition that the petitioner shall execute a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh only)** with two sureties (out of which, one surety must be a blood surety) 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 on alternative days at 10.30 a.m., for a period of three (3) months and thereafter, as and when required for interrogation ;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[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]**;

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

02.03.2023

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