



Crl.O.P.No. 4605 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest for the alleged offences under Sections 8(c), 20(b)(ii)(C) and 22(c) of NDPS Act, 1985, in Crime No. 10 of 2023 on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that, based on the complaint given by the de-facto complainant/Sub Inspector of Police, Semmancherry Police Station, Chennai, the respondent/Police found that the petitioner was in possession of 12 grams of Methamphetamine without any valid license. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely roped in this case based on the confession recorded from A1-Soniyaraj who was arrested along with contraband viz., Methamphetamine, and other than her alleged confession, there is absolutely no material as against the petitioner. He would further submit that the first accused has been arrested and released on bail in Crl.O.P.No.2711 of 2023, dated 30.01.2023. He would further submit that



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the petitioner has no previous case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that one Soniyaraj who was arrested with 12 grams of Methamphetamine, had confessed that she was selling the contraband which was purchased from the petitioner. He would further submit that there is no previous case against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submission of both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, 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 Judicial Magistrate-**



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II, Alnadur, on condition that each of 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 report before the respondent/Police everyday at 10.30 a.m. and 5.30 p.m. until further orders.

[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.

06.03.2023

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