



Crl.O.P.No.4934 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8(C), 20(b)(II)(B) of NDPS Act, 1985 in Crime No.236 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with three other accused was found in possession of 1 kg 100 gms of Ganja and on seeing the police, the petitioner ran away from the scene of occurrence and that the other accused were arrested. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the false complaint has been given against the petitioner and he has nothing to do with the said allegations. He would submit that the petitioner has two previous cases out of which, one case is registered under the SC/ST Act and the other case is registered for the offence under the Indian Penal



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Code and in order to put fetters on the petitioner, the respondent police have falsely implicated the petitioner in this case. He would further submit that the petitioner does not have any previous case registered under the NDPS Act. He would also submit that the arrested accused have been enlarged on bail. Thereby, he would seek for Anticipatory bail.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with three other accused was found in possession of 1 kg 100 gms of Ganja and that the petitioner has got two previous cases against him. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

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

6. Considering the above facts and circumstances of the case and the submissions made on either sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 **learned Judicial Magistrate No.I, Ponneri**, 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioner shall report before the respondent police every day at 6.30 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



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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.

07.03.2023

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