



Crl.O.P.No.5122 of 2023

WEB COPY

Crl.O.P.No.5122 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 8(c) read with Section 20(b)(ii)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.1952 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with three other accused were found in possession of 2 Kgs of Ganja and on seeing the police, the petitioner ran away from the scene of occurrence and the other three were arrested. Hence the complaint.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, based on the Confession Statement recorded from the arrested accused, from whom, the contraband has been seized/recovered. She would further submit that the arrested accused



CrI.O.P.No.5122 of 2023

WEB COPY

have been enlarged on bail and later, the investigation has been completed and the Final Report has been filed before the II Additional Special Court for EC & NDPS Act cases, Chennai and the case has been taken up for trial in C.C.No.488 of 2022. She would further submit that other than, the Confession Statement recorded from the arrested accused, there is no material as against the petitioner. She would further submit that the case has also been taken up for trial in C.C.No.488 of 2022, and thereby, the custodial interrogation of the petitioner may not be required. She would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, she prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is a habitual offender, against him, there is one previous case pending similar in nature. He would further submit that the case has been taken up for trial in C.C.No.488 of 2022 on the file of the II Additional Special Court for EC



CrI.O.P.No.5122 of 2023

WEB COPY

& NDPS Act cases, Chennai and the case has been posted/listed on 21.03.2023 for appearance of the accused. He would further submit that the arrested accused have also been enlarged on bail. 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, the submissions made by the learned Counsel and also taking note of the fact that the case has now been taken up for trial in C.C.No.488 of 2022, 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 **learned II Additional Special Judge for EC & NDPS Act cases, Chennai**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/-



CrI.O.P.No.5122 of 2023

WEB COPY

(Rupees Twenty Five Thousand only) with **two sureties (out of which, one surety should be a blood related surety)**, each for a like sum to the satisfaction of the **learned II Additional Special Judge for EC & NDPS Act cases, Chennai**, and on further conditions 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 learned II Additional Special Judge for EC & NDPS Act cases, Chennai, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the date fixed by the learned II Additional Special Judge for EC & NDPS Act cases, Chennai.**

[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;



WEB COPY



CrI.O.P.No.5122 of 2023

[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

arb



WEB COPY



CrI.O.P.No.5122 of 2023

A.D.JAGADISH CHANDIRA, J.

arb

CrI.O.P.No.5122 of 2023

07.03.2023