



Crl.O.P.No.6191 of 2023

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**A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(b) of NDPS Act, in connection with CC.No.489 of 2022 in Crime No.1979 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 11 kgs of ganja. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, based on the confession recorded from the arrested accused. He further submit that the petitioner shown as absconding accused and the respondent after completing investigation filed the final report and the same has been taken for trial in CC.No.489 of 2022 on the file of Additional District Principal Special Court for EC & NDPS, Chennai and the Trial Court has issued summons to the petitioner for the appearance on 12.04.2023. He further submit that the



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petitioner is ready to abide by any condition and co-operate for speedy disposal of the Trial. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused was found in illegal possession of 11 kgs of ganja and the petitioner herein has shown as absconding accused and the case is taken on file in CC.No.489 of 2022 before the Additional District Principal Special Court for EC & NDPS, Chennai, and the Court has also issued summons to the petitioner for the appearance on 12.04.2023. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.15,000/- to any welfare scheme run by the Government. He further stated that the petitioner is ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



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6. Taking into consideration the facts and circumstances of the case

and also the submissions made by the learned counsel on either side and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.15,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) directly to **"The Dean/Medical Officer, Government Kilpauk Medical College and Hospital, Chennai District"** and on such deposit and on 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 1<sup>st</sup> Additional District Principal Special Court for EC & NDPS, Chennai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of which, one surety must be a blood related surety, 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,



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the petition for anticipatory bail shall stand dismissed and on further condition

that:

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[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 deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) directly to **"The Dean/Medical Officer, Government Kilpauk Medical College and Hospital, Chennai District"** to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

[b] the petitioner shall report before the Trial Court on all working days for a period of two weeks and thereafter on the hearing dates;

[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,



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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;

**27.03.2023**

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