



Crl.O.P.No.7246 of 2023

WEB COPY

Crl.O.P.No.7246 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) 20(b)(ii)(B) of Narcotic Drugs & Psychotropic Substances Act 1985 in Crime No.123 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 11.03.2023 at about 02.00 p.m., the petitioner along with two other accused were found in illegal possession of 1.200 kgs of Ganja and A1 and A3 were arrested with contraband. Hence the case.

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 recorded from the arrested accused. He would submit the petitioner is aged about 20 years and he has no previous case against him. Hence, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.7246 of 2023

WEB COPY

4. The learned Government Advocate (Crl.Side) would vehemently oppose to grant of anticipatory bail by stating that the petitioner along with two other accused were found in illegal possession of 1.200 kgs of Ganja and on seeing the police, the petitioner ran away from the scene of occurrence. He would submit that the arrested accused are still in custody.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner has no previous case and he is only aged about 20 years and without prejudice his rights, on his own volition, is ready and willing to deposit an amount of Rs.25,000/- to any charitable trust as may be directed by this Court and he prays to grant anticipatory bail to the petitioner.

6. Taking note of the facts and circumstances and the voluntary submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



WEB COPY



CrI.O.P.No.7246 of 2023

[a] the petitioner is directed to deposit a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of **"The Dean/Medical Officer, District Headquarters Hospital, Kanchipuram,** within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or on his appearance and on production of proof of payment of the above amount.

[b] the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (out of which one shall be a mother or father of the petitioner) 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 **Judicial Magistrate No.I, Kancheepuram,** failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:-

[c] the petitioner shall report before the respondent police daily at 10.30 a.m.,until further orders.



WEB COPY



Crl.O.P.No.7246 of 2023

A.D.JAGADISH CHANDIRA,J.

mpa

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

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

13.04.2023

mpa

Crl.O.P.No.7246 of 2023