



CrI.O.P.No.7853 of 2023

RMT.TEEKAA RAMAN, J.

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The petitioner/A4, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 8(c) r/w20(b)(ii)(B) of NDPS Act, in Crime No.73 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 27.02.2020, some of the suspected persons were standing with the black colour bag. When the police official tried to catch them somewhere escaped from the spot. A1 to A3 were arrested at the spot. For having illegal possession of 1.440 kg of kanja. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person the he has been falsely implicated in this case. No drugs was seized from the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the case is under investigation. The other accused were granted bail. However, he opposed for grant of anticipatory bail to the petitioner.



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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and the case is under investigation, this Court is inclined to grant anticipatory bail to the petitioner.

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 7th Metropolitan Magistrate GT Court, Chennai** on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten 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.



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[b]the petitioner shall report before the respondent Police, at 10.30 a.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.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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