



CrI.O.P.No.8566 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 8(c), r/w 20(b)(ii)(B) of NDPS Act and Section 4(1)(i) of Tamilnadu Prohibition Act, in Crime No.265 of 2019 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners along with the other accused were found to be in possession of 1 kg and 350 gms of Ganja and 35 brandy bottles. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely roped in this case. He would further submit that based on the confession recorded from the arrested accused, they have been falsely implicated in this case. Hence, he would pray for the grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that petitioners along with the other accused were found to be in possession of 1 kg and 350 gms of ganja and 35 brandy bottles. He would further submit that there are two previous cases of similar nature. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. In reply, the learned counsel for the petitioners would submit that case is of the year 2019. Admittedly, there are two cases pending against the petitioners and the present case is of the year 2019 and in the earlier case, the petitioners were arrested and later they were acquitted in both the cases. He would further submit that in the another case, the trial was conducted against them in C.C.No.116 of 2018 on the file of the Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and that the petitioners have regularly appeared for trial and he would further submit that the petitioners have been acquitted by the Trial court on 15.07.2022. During such time, the respondent have not taken any steps to arrest them in this case.



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5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.10,000/- each to any welfare scheme run by the Government.

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

7. Taking into consideration the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of the Dean/Medical Officer, Madras Medical College, Chennai, without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioners deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.



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9. Taking into consideration the facts and circumstances of the case, the submissions made by the counsel on either sides and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.10,000/- each to the Dean/Medical Officer, Madras Medical College, Chennai, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

10. Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each directly to the Dean/Medical Officer, Madras Medical College, Chennai, and on such deposit and on receipt of proof of payment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned VII Metropolitan Magistrate, George Town, 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



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Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each directly to the Dean/Medical Officer, Madras Medical College, Chennai, to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[e] the petitioners 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 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]**.

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

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