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CrI.O.P.No.9953 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 offences punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act, 1985 in Crime No.43 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 25.04.2022, the petitioner along with other accused persons were found to be in possession of 2 kgs of Ganja . Hence, the case.

3. The learned counsel 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 stated to have been recorded from the other accused. He also submitted that the arrested accused has been enlarged on bail and yet another accused one Valli has been granted anticipatory bail by this Court on 28.05.2022. He would further submit that this is the



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3rd application for anticipatory bail and the earlier applications filed by the petitioner were dismissed by this Court in Crl.O.P.No.12044 of 2022 dated 19.05.2022 and Crl.O.P.NO.24236 of 2022 dated 11.10.2022. Hence, he would pray for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner along with other accused persons was found to be in possession of 2 kgs of Ganja. Hence, he vehemently opposed to the grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that without prejudice to his contention and defence, the petitioner is ready and willing to deposit an amount of Rs.25,000/- to any welfare scheme run by the Government.

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



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7. Taking into consideration the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as **non refundable deposit to the Chair Person, Juvenile Justice Board, Kellys, Chennai- 600 010**, without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner 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.

9. Taking into consideration the facts and circumstances of the case, the submissions made on both sides and also taking note of the fact that the petitioner had come forward to deposit an amount of Rs.25,000/- as **non refundable deposit to the Chair Person, Juvenile Justice Board, Kellys, Chennai- 600 010**, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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10. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as **non refundable deposit to the Chair Person, Juvenile Justice Board, Kellys, Chennai- 600 010** 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Sessions Judge, EC Court, Salem**, on condition that the petitioner shall execute a 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 pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) as non refundable deposit to the Chair Person, Juvenile Justice Board, Kellys, Chennai- 600 010 and the receipt of payment for the same, shall be produced before the learned Magistrate at the time of execution of bail bond.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., and 05.30 p.m., until further orders.

[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



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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]**.

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

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