



Crl.O.P.No.9585 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), 20(b)(ii)(B) NDPS Act, in Crime No. 439 of 2019, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with 6 others were found in possession of 1.200Kg of Ganja. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and false complaint has been registered against them. The second petitioner in this case was subsequently arrested in a case in Crime No.118 of 2023 by the respondent police. However, the respondent did not take any steps to formally arrest the second petitioner in this case. The case is of the year 2019. Hence, he prays grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that as far as the first and third petitioners are concerned, they have no previous case. As far as the second petitioner is concerned, she was subsequently involved in case in Crime No.118 of 2023 which was registered by the very same respondent police. He fairly conceded that the respondent did not take any steps to formally arrest the second petitioner in this case.

5. At this juncture, the learned counsel for the petitioners would submit that without prejudice to their rights and defence, the petitioners are ready and willing to deposit a sum of Rs.10,000/- each, to the credit of any welfare scheme and prayed for grant of anticipatory bail to the petitioners.

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



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7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioners are directed to make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) each by way of Demand Draft/RTGS/NEFT to **"The Dean/Medical Officer, Stanely 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 is made ready, before **the learned VII M.M.G.T., Chennai** on condition that each of the petitioners 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:



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[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police every day at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] 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 petitioner released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;



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

9. Accordingly, the Criminal Original Petition is ordered.

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