



Crl.O.P.No.9415 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) and 29(1) of NDPS Act, in Crime No.09 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with one Rubesh/A1 and Senthilkumar/A2 were found in possession of 1.100 kgs of Ganja. On seeing the respondent police, the petitioner and Senthilkumar/A2 ran away from the scene of occurrence and the first accused/Rubesh was arrested along with the contraband. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He admits that the petitioner has got two previous cases against him and he has been arrayed as a History Sheeted rowdy in the



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jurisdiction of the respondent police station and only to keep him in custody the petitioner has been listed as a History Sheeted Rowdy in the respondent police station. He further submitted that the petitioner was granted anticipatory bail in all the previous cases and the respondent police have falsely implicated him in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI.side) appearing for the respondent would submit that the petitioner along with other accused were found in possession of 1.100 kgs of Ganja. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on records.

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



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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 XVIth Metropolitan Magistrate, George Town, Chennai**, 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.

[b] **the petitioner shall stay at Kaniyakumari and report before the Kaniyakumari Police Station everyday at 10.30 a.m., and 05.30 p.m., until further orders.**



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[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 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]**.

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

05.06.2023

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