



Crl.O.P.No.10472 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 alleged offences punishable under Sections 20(B) II A, 8(c) of NDPS Act r/w Section 77 of Juvenile Justice Act, 2015 in Crime No. 63 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that one Selvakumar was found in possession of 175 grams of ganja for the purpose of selling to juvenile persons in and around area. It is further alleged that he was arrested in Crime Number 63 of 2022 registered by the respondent police for the offence under Sections 20 (B) II A, 8(c) of NDPS Act r/w Section 77 of Juvenile Justice Act, 2015. During the course of investigation, he confessed that he purchased the contraband from the petitioner along with 10 other persons for the sale to public and juvenile. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated based on the confession recorded from the arrested accused.



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He would further submit that the petitioner was not arrested during the investigation and now the petitioner understands that the investigation has been completed and the absconding charge sheet has been filed and it is yet to be taken on file. He further submit that the petitioner has no previous case pending against him. He further submit that he is ready to surrender before the respondent police and now investigation is completed and there is no requirement of the custodial interrogation of the petitioner. He would also submit that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.25,000/- to any Welfare Scheme of the Government and hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor (Pondicherry) would submit that the petitioner is a person who has been supplying the ganja to the main accused and he has been implicated based on the confession recorded from the arrested accused one Selvakumar/A1. He further submit that the investigation has been completed and the charge sheet has been filed showing the accused is an absconding accused and it is yet to



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be taken on file. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor (Pondicherry) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made on both sides and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall make a non-refundable deposit of a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) directly to the **CARUNNAI (School for the Mentally Challenged), No.30, 5th Cross Kamban Nagar, Reddiyar Palayam, Pondicherry – 10, Cell No: 9442932645, 9443632645**, and on such deposit and production of proof, 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



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the date on which the order copy made ready, before the **learned Special Judge (NDPS), III Additional Sessions Judge, Puducherry**, 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 report before the **Special Judge (NDPS), III Additional Sessions Judge, Puducherry**, on all working days at 10.30 a.m, for a period of three weeks and thereafter on the date fixed by the learned Trial Judge.

[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.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

02.06.2023

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