



Crl.O.P.No.13865 of 2023

RMT.TEEKAA RAMAN, J.

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The petitioner/A3, who apprehends 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, 1985 and 25, 29(1) of NDPS Act in Crime No.469 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that based upon secret information received from the informer the SI of Police went to the place of occurrence on 15.11.2022 and found two persons with their two wheeler bearing No.TN05 BL 3879 Honda Dio, possessing 1.150 kg of Ganga covered with black polythin bag. On confession, they have stated that they had received the contraband from the petitioner herein/A3. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and in no way connected with this case and he has been falsely implicated in this case. Therefore, he prays for grant of bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that investigation in this case has been completed and charge sheet has been filed. The said charge sheet has been taken on file as C.C.No.205 of 2023 on the file of the learned II Additional Special Judge under NDPS & EC Act at Chennai. In the final report, the petitioner herein/A3, is shown as absconding accused and when the petitioner was arrested and produced before the learned Special Court, it appears that it was rejected with direction to follow the procedure under Criminal Procedure Code and accordingly, this petition is filed. He would further submit that other accused, A1 and A2, were arrested and remanded to judicial custody and subsequently, granted the bail by the Special Court.

5.Taking into consideration the facts and submissions of the learned Counsel and also the fact that the co-accused have been granted bail by the Special Court and that investigation is already completed, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.



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6. 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 **II Additional Special Judge under NDPS & EC Act, at Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties 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 his 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 appear before the learned II Additional Special Judge under NDPS & EC Act, at Chennai on all hearing dates.**

[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;

08.08.2023

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