



Crl.O.P.No.16710 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 8 (c), 20 (b) (ii) (A) of Narcotic Drugs & Psychotropic Substances Act, 1985 and Sections 328 & 511 IPC, in Crime No.324 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.It is the submission of the learned counsel for the petitioner that petitioner is charged for the offences under Sections 8 (c), 20 (b) (ii) (A) of Narcotic Drugs & Psychotropic Substances Act, 1985 and Sections 328 & 511 IPC. Petitioner is an innocent and he has been falsely implicated in this case. Thus, he seeks for anticipatory bail for the petitioner.

3.In response, the learned Government Advocate (Crl.side) submitted that there are two accused in this case. On 01.07.2023, at about 7.00 a.m., near Melpallipattu Village graveyard accused in this case had found in illegal possession of 250 grams of Ganja. Ganja was



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recovered from the first accused Nagaraj and he was arrested. Petitioner herein had escaped from the scene of occurrence.

4.Considering the fact that this is the first case against the petitioner and that co-accused was found in possession of small quantity of Ganja and that was recovered, this Court is of the view of that custodial interrogation of the petitioner is not necessary. Petitioner is directed to make a non-refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** by way of **Demand Draft/RTGS/NEFT** to the credit of the **Chief Minister's Public Relief Fund, Finance (CMPRF) Department**, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN:AAAGC0038F, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 Judicial Magistrate**,



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Chengam, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 respondent police everyday at 10.30 a.m., until further orders;

[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,



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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.

31.07.2023

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