



Crl.O.P.No.16846 of 2023

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WEB C **RMT.TEEKAA RAMAN, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 273 and 328 of IPC, Section 24(1) of Cigarette and other Tobacco Products Act 2003 and Section 20(b)(ii)(A) of NDPS Act, 1985 in Crime No.139 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on receipt of a secret information, the respondent and his team conducted a search and they found that the accused was in illegal possession of 100 grams of Ganja and 300 grams of Hans Chaap tobacco pockets worth about Rs.750/-. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, based on the confession statement recorded from the arrested accused. He would further submit that the the sale amount of Rs.11,000/- was recovered. He would also submit that the co-accused in this case have been



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arrested and later, enlarged on bail by the trial Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioner along with other accused have sold 100 grams of Ganja and 300 grams of Hans Chaap tobacco pockets for Rs.11,000/-. He would further submit that the sale amount of Rs.11,000/- has been seized. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also taking note of the fact that the sale amount of Rs.11,000/- has been seized, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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 is made ready, before the learned District Munsif cum Judicial Magistrate, Kurinjipadi, Cuddalore District, 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 respondent police daily 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



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

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