



Crl.O.P.No.18304 of 2023

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A.D.JAGADISH CHANDIRA,J

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 8(c), 20(b)(ii)(B) NDPS Act in Crime No.439 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with 6 others were found in possession of 1.200 kg of Ganja. Hence, the complaint.

3. The learned counsel for the petitioners would submit that this is the second anticipatory bail petition. This Court earlier granted anticipatory bail to the petitioners on the voluntary submissions made by the petitioners that they are ready to pay a sum of Rs.10,000/- each by way of Demand Draft to the Dean/Medical Officer, Stanley Medical College, Chennai". He would submit that the petitioners are hailing from poor financial back ground and the 1st as well as the 3rd petitioner have given birth to female children and that thereby, they were unable to surrender before the concerned Court and execute sureties.

4. The learned counsel for the petitioners would further submit that the petitioners are hailing from lower strata of the society and he would pray that the first petitioner is ready to make a non-refundable deposit of a sum of Rs.5,000/- and other two petitioners are ready to make a non-refundable deposit of a sum of Rs.10,000/- each. Therefore, he prays to



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grant anticipatory bail to the petitioners.

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5. The learned Government Advocate (Crl.Side) would submit that as far as the first petitioner is concerned, she has got no previous case under the NDPS Act. As far as second petitioner is concerned, she has been subsequently involved in Crime No.118 of 2023, which was registered by the very same respondent police. Hence, he opposed to grant anticipatory bail to the petitioners.

6. At this juncture, the learned counsel for the petitioners would submit that the present case is of the year 2019, the second petitioner was subsequently arrested in Crime No.118 of 2023 by the very same respondent and when the petitioner was in custody, the respondent have not taken any steps to remand her in the present case.

7. Heard both sides and perused the materials available on record including the FIR.

8. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the first petitioner is directed to make a non-refundable deposit of a sum of Rs.5,000/- (Rupees Five Thousand only), 2nd and 3rd petitioners are directed to make a non-refundable deposit of a sum of Rs.10,000/- (Rupees Ten Thousand only) each by way of Demand



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Draft/RTGS/NEFT to “The Dean/Medical Officer, Stanely Medical College, Chennai” and on such deposit and on receipt of proof of payment, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned VII M.M.G.T., Chennai** on condition that each of the petitioners shall execute a separate 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:

[b] the petitioners 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs.**



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State of Kerala [(2005)AIR SCW 5560].

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

9. With the above directions, this Criminal Original Petition is ordered.

11.08.2023

Index: Yes/No.
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