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Crl.O.P.Nos.23481 and 24399 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/3rd accused and the petitioner/4th accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 8(c), 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act in same Crime No.629 of 2022, have both filed Crl.OP.Nos.23481 and 24399 of 2023 respectively and seek anticipatory bail.

2. It is the contention of the learned Government Advocate (Criminal Side) that A1 and A2 had been arrested and subsequently released on bail. They have been found in possession of 2 Kgs of Ganja. The petitioners were also standing nearby but however they managed to escape. He also contended that there are three previous cases as against the Accused No.4 herein and there are four previous cases as against the Accused No.3 herein. But none of the cases were under the Narcotic Drugs and Psychotropic Substances Act.



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3. The learned counsels for the petitioners contended that the petitioners are innocent persons and they have not committed any offence as alleged by the respondent. They also contended that the Accused No.1 from whom the Ganja was actually seized had been granted bail. Hence, they pray for grant of anticipatory bail to the petitioners herein.

4. In view of these circumstances, this Court is inclined to grant anticipatory bail to the petitioners herein with certain conditions. Accordingly, 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 Judicial Magistrate, Ambattur, Chennai**, on condition that 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



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condition that:

[a] 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.

[b] the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders.

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

[d] the petitioners shall not abscond either during 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 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. State of Kerala [(2005)AIR SCW 5560]**.



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

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