



Crl.O.P.No.21009 of 2023

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RMT.TEEKAA RAMAN, J.

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The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Section 8(c), 20(b)(ii)(A) of NDPS Act and Section 77 of J.J (Care and Protection of Children) Act, 2015 in Crime No.104 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 24.05.2023 at about 17.30 hours, while the Respondent Police found that four male persons were selling some banned Narcotic Drugs viz., dried Ganja leaves in blue colour polythene cover near Gnanaprakasham Nagar Junction, 4th Cross, Old Saram, Puducherry and found that they were in possession of 110 grams of ganja. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Petitioner is no way connected with the alleged occurrence and offences, he was falsely implicated in this case. The present Petitioner was arrayed as A5 in this matter and the contraband was seized only from A1. Even in the confession statement, A1 has not mentioned the name of the Petitioner. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent



would submit that A2 and A3 were already arrested and released on bail as per the order passed by the learned III Additional District Judge, Puducherry in Crl.MP.Nos.2153 & 2107 of 2023 dated 17.07.2023. He would further submit that investigation in this matter was completed. However, he vehemently opposed to grant anticipatory bail to the Petitioner.

5.Heard both sides and perused the materials available on record.

6.Considered the facts and circumstances of the case and also the submissions made by the learned counsel on either sides. A1 to A4 were already arrested, at the time of arrest 1 kg of contraband has been recovered from them. The Petitioner alleged to have in possession of less than ½ kg of contraband. Hence, 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 made ready, before the **learned Judicial Magistrate I, Puducherry**, on condition that the Petitioner 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:

[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 appear before the learned III Additional District Judge, Puducherry for every hearing date he shall report before the Respondent Police, on every Tuesday and Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required;

[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, 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 abscond, a fresh FIR can be registered under Section 229A IPC.

15.09.2023

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Dated: 15.09.2023