

**CRL.O.P.No.29117 of 2023**

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P.DHANABAL, J.,

The petitioner/accused no.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 272, 273, 328 of IPC and Section 6(a), 24(1) of COTP Act 2003 and Section 7 r/w 9(ii) of Tamil Nadu Prohibition of Smoking & Spitting Act, 2003 and under Section 77 of Juvenile Justice (care and protection of Children) Act 2015 in Crime No.220 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 10.12.2023 at around 08.30 hrs, when the respondent police was conducting usual vehicle checking near Korukkupet Kannan Road, A1 was found in possession of 350 pockets of MAVA. Hence, the case.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and that the petitioner was implicated only on the confession statement of A1. Hence he seeks anticipatory bail.



4.The learned Government Advocate (Crl. Side) would submit that on 10.12.2023 at around 08.30 hrs when the respondent police was conducting usual vehicle checking near Korukkupet Kannan Road, A1 was found in possession of 350 pockets of MAVA. He would further submit that A1 was arrested and released on bail. He would further add that the petitioner herein was implicated based on the confession statement of A1. However, he objected to grant anticipatory bail to the petitioner.

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

6.Considering the rival submissions on either side, considering that the co-accused/A1 was arrested and released on bail by this Court and considering the nature of offences and no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following 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 XV Metropolitan Magistrate, George Town, Chennai 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

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

28.12.2023

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