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Crl.O.P.No.5892 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner / A4 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.524 of 2023, seeks anticipatory bail.

2.It is stated that the petitioner and other accused were found in possession of 1.400 Kgs of Ganja, which had been seized.

3.The learned Government Advocate (Crl. Side) filed counter affidavit and stated that insofar as this petitioner / A4 is concerned, there are four previous cases against him. It is also stated that this petitioner had purchased Ganja to sell it through the other accused to the general public. Therefore, strong objections have been raised for grant of any relief to this petitioner.



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4.Earlier anticipatory bail petition was dismissed on 29.01.2024 in Crl.O.P.No.28513 of 2023. The significant change in circumstance is that the other co-accused had been arrested and had been granted bail.

5.Taking all the factors into consideration and also the fact that the seized contraband is an intermediate quantity, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 – II, Chengalpattu, 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:



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[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 everyday 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 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.

18.04.2024

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