



Crl.O.P.No.13139 of 2024

T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest for the alleged offences punishable under Sections 8(c), 20(b) (ii) (B), of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.256 of 2024 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that the informer given an instruction to the respondent police some person is selling Ganja nearby Pommanur Village. The respondent police went to the place and searching the said location, at that time A1 try to escape from that place, but the respondent police caught hold the A1 and seized 12 Kgs of Ganja. Based on the confession statement of A1, A2 was arrested and she was in possession of 6 Kgs of Ganja and the same was seized by the respondent police. A2 gave her confession statement stating that she had purchased Ganja from the petitioner herein and selling the same in her area. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above said offence. The respondent police



arrested A1 and A2 and the above said contraband was seized and they were arrested and released on bail. The respondent police added the petitioner name in the FIR and also foisted a putup case against the petitioner for the reason that the petitioner was arrested on another Crime No.288 of 2024 on 17.03.2024 on the file of PEW-Hosur, Krishnagiri. The respondent police arrested the petitioner in the above said Crime No.288 of 2024, thereafter he got bail in the said case. He will provide sufficient sureties for his released on bail. The present issue does not involves the issue of M.P. & M.L.A. Case. Hence he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) vehemently opposed for grant of anticipatory bail to the petitioner. A1 and A2 were arrested in this case. On their confession the respondent police went to Andhrapradesh to arrest the petitioner herein. No recovery was made from this petitioner. The petitioner herein is having one previsous NDPS case.

5.Heard the learned counsel for the petitioner, and the learned Government Advocate (Crl.Side) and perused the materials available on record.



6.Taking into consideration the facts and circumstances of the case, this

Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is directed 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, Palacode, 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 the petitioner, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Registered Advocates Clerks Association, Chennai, within a period of two weeks from the date of receipt of a copy of



this order and shall produce the said receipt before the Court below;

(c) the petitioner shall appear before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/trial Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



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