



Crl.O.P.No.13755 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) (A) of THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, ACT, 1985 in Crime No.187 of 2023 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that on 26.03.2023 this respondent got the secret information and based on the information they have searched the place of the accused and they have seized 200 grams of Marijuana and after that accused named Sikkanthar Basha has been arrested for the possession of 200 grams of Marijuana in his house and based on the confession statement given by him the name of the petitioner herein has been added as an accused in this case. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the case of the prosecution against the petitioner is totally false. The petitioner is not directly involved in the above said case. He was falsely implicated in this crime. The petitioner is an innocent. He will not abscond or evade the due



process of law. He undertakes to obey any condition imposed by this Court and also undertake to provide sufficient sureties to the satisfaction of the Court.

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. Based on the confession of A1 the name of the petitioner herein was implicated in this case. No recovery was made from the petitioner herein.

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, Avinashi, Tiruppur District, 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 Madras High Court Advocate Clerks Welfare Association, Chennai, A/c.No.484077244, Bank : Indian Bank, Branch : High Court, IFSC Code : IDIB000M1157, 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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