



WEB COPY



CrI.O.P.No.16746 of 2024

CrI.O.P.No.16746 of 2024

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 8(c) r/w Section 20(b) (ii) (C) of the NDPS Act in Crime No.490 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on receipt of information from an informant at about 2.30 a.m., the respondent police along with his crew went to Perambur Railway station on 24.05.2022 at about 4.10 a.m. where they found A1 and A2 i.e. Mohan and Dhineshkumar carrying two white sacs and walked towards red duster car parked at Magalapuram Auto stand, during when the respondent police and his crew caught them and found that they were having ganja in the white sacs, each bag containing about 22kgs of ganja. Further, on enquiry, accused 1 and 2 stated that on 23.05.2022 along with the 3rd Accused, Yogaraj and Prakash, they came to Perambur railway station to collect the ganja and after collecting the same, A1 and A2 will put the sacs in the



CrI.O.P.No.16746 of 2024

car and go to the bus stop near the station and from where A-3, Yogaraj and Prakash, the other accused will get into the car and leave the place. Hence, the complaint.

3. It is seen that the petitioner/A3 along with other accused persons came to Perambur railway station to collect contraband. After collecting the contraband, A1 and A2 alone were caught hold and A3 was not there. There is no recovery from the third accused. That apart, though this Court dismissed anticipatory bail petition of the petitioner on several occasions, the respondent did not take any steps to secure the petitioner. Further, the respondent completed investigation and also filed final report, which has been taken cognizance in CC.No.214 of 2023 on the file of the II Additional NDPS Court, Chennai. Therefore, the custodial interrogation of the petitioner does not require.

4. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in



CrI.O.P.No.16746 of 2024

the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Principal Special Court under EC & NDPS Act, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 report before the trial court i.e. II Additional NDPS Court, Chennai daily 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.



CrI.O.P.No.16746 of 2024

WEB COPY

[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.

24.07.2024

10k



WEB COPY



CrI.O.P.No.16746 of 2024

G.K.ILANTHIRAIYAN, J.



WEB COPY



Crl.O.P.No.16746 of 2024

10k

Crl.O.P.No.16746 of 2024

24.07.2024