



Crl. O.P. No.24181 of 2024

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P. DHANABAL.J.,

The petitioner / Accused 6, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(A), 25, 29(1) of NDPS Act, Sections 275 and 123 of B.N.S. and Section 77 of Juvenile Justice Act and Section 6 and 24(1) of Cigarette and other Tobacco Products Act 2003 in connection with the Cr. No.850 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 17.08.2024, based on the secret information, the police party conducted a search in the backside of Saibaba temple, Kamaraja Salai and found the accused A1 with illegal possession of 340 grams of Ganja and A3 with 200 grams of 10 Hans packets. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A6, that she is no way connected with the said offence, that the respondent police have not conducted proper enquiry and roped this petitioner into this case as she is having some previous cases, that she is not even aware of the said alleged occurrence, that she is



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ready to co-operate for investigation and ready to offer solvent sureties and therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that based on the secret information, the respondent police party went to the place of occurrence of Tondiarpet Kamaraj Road Saibaba temple backside and found four unknown persons in a suspicious manner and when they were searched and enquired, they found illegal possession of 340 grams of Ganja and 200 Hans, Tobacco product and some samples were taken and sent for analysis and hence the accused were arrested and their statements were also recorded, that from the confession statement of A1, it came to know that A5, bought the contraband from this petitioner/A6 and sold them to A1 to A4 and in this case, some more witnesses are to be examined and absconding accused are also yet to be secured. Therefore, he strongly opposed to grant anticipatory bail to the petitioner. He further submitted that A1 to A4 were arrested and released on bail and this petitioner has no any previous case pending against him.

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



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6. Considering the representations made on either side, considering the nature of offences charged against the petitioner, considering the fact that the quantity of materials involved in this case is not a commercial quantity, that there is no previous case pending against this petitioner and no recovery was made from this petitioner and also considering the fact that co-accused were arrested and released on bail, I am 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 **XV Metropolitan Magistrate Court, 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 concerned NDPS Court daily at 10 a.m. for a period of 30 days and thereafter as and when required for interrogation;

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of



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the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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 269 B.N.S.2023.

04.10.2024

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To

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- 1.The XV Metropolitan Magistrate Court, George Town, Chennai
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, H5 New Washermenpet Police Station, Chennai.

P.DHANABAL,J
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